



# Resolution Calling for the Abolition of For-Profit Private Prisons

Approved by the 215th General Assembly (2003)

# Resolution Calling for the Abolition of For-Profit Private Prisons



Approved by the 215th General Assembly (2003)  
Denver, Colorado

Developed by  
The Advisory Committee on Social Witness Policy  
of the General Assembly Council

You may find this document at:  
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December 2003

To: Pastors of Churches and Clerks of Sessions, the Middle Governing Bodies and their Resource Centers

Dear Friends:

In exercise of its responsibility to witness to the Lordship of Jesus Christ in every dimension of life, the 215th General Assembly (2003) of the Presbyterian Church (U.S.A.), in reliance upon the grace of God and under the guidance of the Holy Spirit, has approved the "Resolution on Calling for the Abolition of For-Profit Private Prisons." It is presented for the guidance and edification of the whole Christian Church and the society to which it ministers; and will be used to determine procedures and program for the ministry divisions and staff of the General Assembly. It is recommended for consideration and study by other governing bodies (sessions, presbyteries, and synods). This resolution and study is commended for the free Christian conscience of all congregations and the members of the Presbyterian Church (U.S.A.) for prayerful study, dialogue, and action.

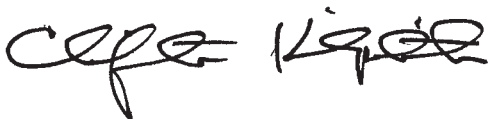
This resolution is the result of a development process that included a careful analysis of the arguments for and against for-profit private prisons and draws upon the biblical sources and insights from the Reformed tradition. The resolution begins with a reaffirmation of previous policies approved by the predecessor bodies of the Presbyterian Church (U.S.A.), which addresses the hurts and needs of the victim, the offender, and the community. In the context of for-profit private prisons, the resolution proclaims:

*Since the goal of for-profit private prisons is earning a profit for their shareholders, there is a basic and fundamental conflict with the concept of rehabilitation as the ultimate goal of the prison system. We believe that this is a glaring and significant flaw in our justice system and that for-profit private prisons should be abolished.*

The ultimate goal of the criminal justice system, according to the policies of the Presbyterian Church (U.S.A.), is "restorative justice."

The resolution comes to you with a study and action guide, designed for personal and class use, in the hope that through education we may become advocates of God's restorative justice for all God's people in our daily lives and work.

Yours in Christ's Service,

A handwritten signature in black ink, appearing to read "Clifton Kirkpartick". The signature is written in a cursive, somewhat stylized font.

Clifton Kirkpartick

Stated Clerk of the General Assembly

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## ***Resolution Calling for the Abolition of For-Profit Private Prisons***

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The Advisory Committee on Social Witness Policy recommends that the 215th General Assembly (2003) approve the following resolution:

The Presbyterian Church (U.S.A.)'s concern for prisoners has been established for almost a century. In 1910, the General Assembly declared that the church ought to stand:

For the development of a Christian spirit in the attitude of society toward offenders against the law. The Church holds that a Christian society must seek the reformation of offenders, and that it must endeavor to prevent the commission of crimes by furnishing a wholesome environment and by such education as will develop moral sense and industrial efficiency in the young (*Minutes*, PCUSA, 1910, Part I, p. 232).

In 1915, another General Assembly said:

That we seek to discourage, wherever possible, the spirit of revenge and retaliation in dealing with ... offenders, and insist that, while they should be dealt with firmly and justly for their own good and the protection of society; yet that it be done in a way which will not render them outcasts upon society, but will rather build up and restore to their proper place those who may be reformed (*Minutes*, PCUSA, 1915, Part I, p. 91).

In agreement with the statements of the 1910 and 1915 General Assemblies, we believe that the ultimate goal of the criminal justice system should be "restorative justice": "addressing the hurts and the needs of the victim, the offender, and the community in such a way that all—victim, offender, and community—might be healed" (*Resolution on Restorative Justice*, *Minutes*, 2002, Part I, p. 576). We realize that, given the limits of our knowledge and understanding at this time, some may need to be incarcerated for life because they are a danger to themselves and others. But we hope that in the future, advances in working with such prisoners through spiritual, medical, rehabilitative, psychological, and educational techniques may some day make it possible for every prisoner to be successfully rehabilitated and restored to their community and family.

We have, along with other citizens, trusted the oversight of this responsibility to our governmental leaders. This must continue to be their responsibility; it cannot be delegated from the public to the private sector. However, the shortage of funds that many governments are experiencing makes them receptive to offers from the private sector to build and/or operate prisons. Since the goal of for-profit private prisons is earning a profit for their shareholders, there is a basic and fundamental conflict with the concept of rehabilitation as the ulti-

mate goal of the prison system. We believe that this is a glaring and significant flaw in our justice system and that for-profit private prisons should be abolished.

The question of whether human beings should be incarcerated, of how they should be treated while in prison, of when they will be released, can not be answered by whether or not these steps will create profit for a corporation. In a humane society, in a democratic society, there are some things that can never be for sale, even and especially when they involve "one of the least of these followers of mine." Even if for-profit private prisons could achieve significant cost savings to the taxpayer, which in fact they have not been able to do, they would still be morally unacceptable. Private prisons are not an economic but a deep religious and ethical issue, a cornerstone of our collective work to put justice back into the so-called "criminal justice system." The moral concern and authority of the faith community make it critical that our voices be heard and our weight be felt.

Therefore, the Advisory Committee on Social Witness Policy (ACSWP) recommends that the 215th General Assembly (2003) of the Presbyterian Church (U.S.A.) do the following:

- A. Approve the *Resolution Calling for the Abolition of For-Profit Private Prisons* with recommendations.
- B. Receive the background rationale and appendixes (to be included in the *Minutes*).
- C. Approve the report as a whole for churchwide study and implementation.
- D. Direct the Office of the General Assembly to publish the entire report, *Resolution Calling for the Abolition of For-Profit Private Prisons*, with background, appendixes, and with a related study/action guide and place the document as a whole on the PC(USA)'s Web site, making available a copy for each requesting session or middle governing body; and, direct the Stated Clerk to notify the entire church it is available on the Web site.
- E. Direct the Stated Clerk to encourage individual members, sessions and middle governing bodies to give prayerful attention to the report as help in study and advocating for the abolition of for-profit private prisons in the communities where they live and work and nationally.
- F. Approve the following actions:
  1. Direct the Presbyterian Washington Office (PWO), in partnership with the Advocacy Committee for Racial Ethnic Concerns (ACREC) and the Advocacy Committee for Women's Concerns (ACWC) to

- a. work towards comprehensive Federal legislation to completely and permanently ban all for-profit private prisons, jails, and detention centers from the United States;
  - b. provide, when requested, information on possible resources and expertise so that congregations or middle governing bodies can intervene to prevent the renewal of current federal government contracts with for-profit private prison corporations;
  - c. consult and coordinate with other denominations, as well as with ecumenical and interfaith groups, to advocate for the permanent abolition of for-profit private prisons; and
  - d. provide information to other levels of the Presbyterian Church (U.S.A.) to educate them on the issue and to encourage their participation in the campaign to abolish for-profit private prisons.
2. Urge the middle governing bodies and members of local congregations to work for state, county, and/or municipal legislation and administrative actions that eliminate particular elements of the for-profit private prison system, pending its ultimate abolition by federal law. Such legislation and administrative action would include
    - a. banning the interstate commerce in private prisoners;
    - b. banning the construction of speculation prisons;
    - c. banning the use of private prisons to house juveniles; and
    - d. preventing the renewal of current state, county, and municipal government contracts with for-profit private prison corporations.
  3. Direct the Mission Responsibility Through Investment Committee (MRTI) to explore with the General Assembly investing agencies strategies to lead Lehman Brothers to discontinue the practice of providing investment capital for the building of for-profit private prisons.
  4. Call upon middle governing bodies and sessions that have endowments, as well as seminaries, church-related colleges and universities, to consider participation in the campaign to abolish for-profit private prisons, including the Lehman Campaign.
  5. Encourage all Presbyterians, while working to abolish permanently all for-profit private prisons, also to work to protect the health, welfare, and well-being of the prisoners that are held in these facilities, in ways that do not recognize the legitimacy of these institutions or contribute to their continuation.
6. Urge the Advocacy Committee for Racial Ethnic Concerns (ACREC) and the Advocacy Committee for Women's Concerns (ACWC) to work to ensure that for-profit private prisons are held absolutely accountable to all existing laws and to stringent provisions relating to prisons and the protection of prisoners and that, in the case of failure to show this accountability, contracts with them be terminated.
  7. Urge local justice communities to work in collaboration with other justice-minded entities, including local interfaith bodies.
  8. Urge all publications and other communications vehicles of the Presbyterian Church (U.S.A.) to develop articles, reports, and other educational materials designed to educate, motivate, and activate Presbyterians to participate in the campaign to abolish for-profit private prisons and in particular in the Lehman Campaign.
  9. Encourage the General Assembly Council, through its National Ministries Division, Social Justice program area, to focus Criminal Justice Sunday in 2004 on the campaign to abolish for-profit private prisons.
  10. Urge Presbyterian Women (PW) to make the campaign to abolish for-profit private prisons a focus of their ongoing work.
  11. Urge Presbyterians who are ecumenical staff to advocate for making the campaign to abolish for-profit private prisons a critical focus of the Summer 2004 meeting of the National Association of Ecumenical and Inter-Religious Staff.
  12. Call upon the Advisory Committee on Social Witness Policy (ACSWP) to monitor the actions listed above and to report to the 217th General Assembly (2006).

Through this resolution, we call upon the church to reaffirm and act on the specific recommendations of previous General Assemblies regarding criminal justice and correctional systems, striving for justice regardless of gender, ethnicity, age, disability, sexual orientation, religion, and national origin, especially for all of those who are affected by the criminal justice and correctional systems of this society.

## Rationale

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This resolution is in response to the following referral: *Overture 99-35. On Opposing the Privatization of Prisons—From the Presbytery of Greater Atlanta, Item 3. (Minutes, 1999, Part I, pp. 81, 620).*

### **A. Context and History: Biblical and Theological**

At the beginning of his ministry Jesus announced that: “The right time has come and the kingdom of God is near” (Mark 1:15, TEV). Near the end of his ministry he called on his followers to “Love your neighbor as you love yourself” and put no limits on who one’s neighbor is. In Luke’s gospel Jesus voiced his concern for those who are incarcerated by reading Isaiah 61:1 in the synagogue one Sabbath and declared that “This passage has come true today, as you heard it being read” (Luke 4:21, TEV). The text that he read included the statement: “The Spirit of the Lord is upon me... He has sent me to proclaim release to the captives” (Luke 4:18, TEV). In his Sermon on the Mount, Jesus rejected vengeance as the primary goal of the justice system and abolished the law of an “eye for an eye.” “You have heard that it was said, ‘an eye for an eye and a tooth for a tooth.’ But now I tell you: do not take revenge on someone who wrongs you” (Matt. 5:38–39, TEV). In Matthew 25:31–46 he challenged his followers to visit those in prison. “I was sick and you took care of me, in prison and you visited me ... I tell you, whenever you did this for one of the least important of these followers of mine, you did it for me” (Matt. 25:36, 40; TEV). He gave specific instructions regarding our responsibility to visit prisoners and to be concerned for their welfare.

Jesus announced that the “kingdom of God was near.” This kingdom would mean a transformation of all of life. Jesus himself was arrested at night, tried and convicted a short time later of blasphemy, and handed over in chains early the next morning to Pontius Pilate. The charge against him was changed from blasphemy to the King of the Jews, a political accusation on which Pilate based his decision to have Jesus crucified. Clearly his arrest, conviction and sentencing were products of a corrupt justice system. We believe that we as Christians are called to care for individual prisoners by personal contacts, but that we are also called to examine and to change the current system of for-profit private prisons as part of our responsibility to love our neighbor.

We affirm that those who are behind prison walls are persons who have been created in God’s image and are fellow children of God. They are neighbors for whom Christ died and whom we are called to love. We are all sinners in need of forgiveness and a Savior. As we gratefully experience the grace and forgiveness of God in our own lives, we are convinced that no person is beyond the reach of God’s redeeming love in Christ.

The ultimate goal of incarceration should NOT be vengeance, retribution, or punishment for punishment’s sake. In Matthew 5:38, Jesus refutes the idea of vengeance for Christians and overturns the law of “an eye for an eye.” Not only Scripture but also experiences have shown that a vengeful justice system is counterproductive. Such a system intensifies antisocial attitudes and behavior on the part not only of those who are imprisoned but also of all of us who participate in that process. Such a dynamic increases rather than diminishes threats to the peace and order of society. It supports those elected and appointed officials who argue for expanded spending on additional police, judges, courts, prisons, and correctional officers, rather than on such human and social needs as mediation, education, day care, child and maternal health, substance abuse counseling, and job training.

We are called to understand the present context in which our justice system is functioning. Christ calls us to address situations such as homelessness, joblessness, the welfare system, and poverty in order to “love our neighbors” and care for the whole community. Christ also calls us to partnership with all faith communities and even secular agencies to combat the unhealthy situations that lead to imprisonment, as well as to minister to those in prison. Through these partnerships, we pray that we can develop a society that moves toward both the Old Testament vision of Shalom and Jesus’ teaching about the Kingdom of God. Our vision is of a society where there is education and health care for all, drug treatment for all who require it, jobs for all who need them, and a sense of belonging to a community. With this vision of community, we can begin to develop a criminal justice system that is truly just.

We reaffirm the 1910 and 1915 statements of prior General Assemblies, for we believe that Christ calls us to care for our neighbors who are in prison and never to abandon them. We affirm our solidarity with our sisters and brothers, fellow children of God, who are behind prison walls. For we have all been created in God’s image, but we have all fallen short of the glory of God. We are all sinners in need of a Savior. We can all be counted among those for whom Christ has died.

As we gratefully receive God’s grace in our own lives, we proclaim our understanding that no person is beyond the reach of God’s redeeming love in Christ. Further, we acknowledge that Jesus has called us to minister to each other in his name. We are to be concerned for all the oppressed and marginalized in our society. As followers of Christ who understand ourselves to be fellow sinners, we recognize our responsibility for the care, custody, and rehabilitation of those incarcerated.



## **B. Analysis I: Arguments in Favor of For-Profit Private Prisons**

Why did the for-profit private prison industry, which had been driven completely out of business by the 1920s through a combination of faith community, citizen, and government action, spring to life again fifty years later? Part of the reason lies in the political context of the 1980s, particularly arguments about the appropriate roles of government (the public sector) and corporations (the private sector) in a democratic, capitalist economy and society. These dynamics not only helped for-profit private prisons re-emerge, but also created at least some of the arguments and rationalizations being used by the private prison industry to justify themselves.

The basic question can be summarized as follows: In a democratic society, which functions should only and ever be appropriately exercised by the public sector? Which functions should only and ever be appropriately exercised by the private sector? Which functions could appropriately be either public, private or a mix of the two?

These questions are quite legitimate and form the basis for much political discussion that has taken place in our country since the American Revolution and the Federalist Papers. In the 1980s, these discussions were for the most part reinitiated by a handful of conservative think tanks in Margaret Thatcher's England and Ronald Reagan's United States. Government, the public sector, they argued, had grown too powerful. It was restraining trade, impeding the free flow of markets, stifling initiative, and choking off growth. Furthermore, they argued, government was fundamentally unaccountable, answering only to itself.

Their answer was to have as little government as possible, so as to release what they saw as the energy, efficiency, creativity, and accountability of the private sector. They were for the radical downsizing of government, with as many public assets and services as possible being transferred to the private sector. This phenomenon became known as "privatization."

Without the overall emphasis on privatization during the 1980s, it is highly questionable whether the for-profit private prison corporations could have made a successful startup at that time. But the political climate was exactly right for what they proposed and created the context for the arguments they and their allies would make in support of this development.

The first argument they made in favor of for-profit private prisons is that government has an "unfair monopoly" on prisons, jails, and detention centers, which effectively prevents any institution other than government from owning and operating them. This domination of an entire industry, they continued, was unfair to and discriminated against business. Take down these barriers, they said, so that any corporation or individual who wanted to

had the right and opportunity to own and/or operate their own prison. Only in this way, they argued, could the free market be served. Boiled down to its essence, this argument said, "If you won't let us own and operate for-profit private prisons, you don't believe in the free market."

Their second argument in favor of for-profit private prisons built from the first argument. The public sector, they argued, is inherently inefficient and unaccountable. Unlike corporations, government has no competition that forces it to remain "lean and mean," in a favorite phrase of the times. According to this argument, the public sector has no incentive to manage wisely, to implement modern management techniques, to cut costs ruthlessly, to downsize, to improve profit margins. While government is theoretically accountable to "the people," they saw it in practice as a permanent bureaucracy, answerable only to itself. Corporations, on the other hand, because they are accountable to their shareholders, supposedly have no choice except to manage in the most responsible and efficient manner possible, which means that they will do the job as cheaply as it can be done. Boiled down, this argument ran, "We can do it so much more cheaply that we can turn a large profit and still save the taxpayers money."

Over time, as it became clear that for-profit private prisons did not in fact save money for the taxpayer, and as mega-scale corporate scandals undermined the argument that market forces ensure efficiency and accountability, a third argument emerged: "We can do it better." Here the for-profit private prison corporations argued that the public sector was so tied to past practices that it could not possibly innovate or create. "Let us apply modern techniques to the problems of prison management," they said. "We'll take on the tough issues of job training, drug rehabilitation, juvenile crime, re-entry into the community, and we'll do a better job than government."

The final major argument made in favor of for-profit private prisons was grounded in the complex politics related to crime and prisoners in the period beginning around 1980 and for the most part continuing through the present time. The public was (and still is) convinced that this country is in the midst of an unprecedented crime wave (even when statistics show crime falling substantially) and demanded that their elected leaders be "tough on crime," which in part meant building more prisons. At the same time, they were generally unwilling to vote for any bond issues that could involve higher taxes. So elected officials and those running for office were between a rock and a hard place. On the one hand, they wanted (or at least felt they needed) to build more prisons. On the other, they didn't have the public funds to do it and didn't want to risk their political careers by going to a referendum on a ballot measure that involved a potential tax increase.

This was a situation tailor-made for the for-profit private prison corporations, with their access to private

capital, through such investment banks as Lehman Brothers. By contracting with these corporations, elected officials could say, "During my term in office, we built four new prisons without raising taxes—and it didn't cost the taxpayer a dime." Of course, it was still taxpayers' money that paid for both the construction of these prisons and their operating costs. But because funds were taken from operating rather than capital budgets, it was easier to make this claim. Taxpayers were rarely made aware of the additional long-term costs of financing prisons by in effect putting them on a private credit card underwritten by investment banks rather than through lower-cost public bond issues, since neither public officials nor the for-profit private prison industry had a self-interest in advertising the financial impact of this method. This argument by the for-profit private prison corporations to elected officials, while never made publicly, really boiled down to, "We can help you stay in office."

### **C. Analysis II: The Arguments Against For-Profit Private Prisons**

This section represents one of two that deal with the arguments against for-profit private prisons. This first section responds specifically to the arguments in favor of for-profit private prisons that were summarized in the preceding section. The section that follows this one titled "The Presbyterian Church and For-Profit Private Prisons" looks at the for-profit private prison industry from the point of view of Presbyterian policy and teaching.

Let us take the four arguments in favor of for-profit private prisons in the order in which they were just presented. The first argument is basically that having the public sector own and operate all prisons, jails, and detention centers is an unfair monopoly and therefore anti-democratic.

While this argument may on the surface seem almost comic to some, free market ideology carried to its extreme, it is in fact the most central and critical, particularly for any person or institution operating from a faith perspective. Underlying this argument is a fundamental question for any society that aspires to be free and democratic: Are there any functions of society that should under no circumstances be operated for a profit?

This is a fundamental moral and ethical question. Before beginning to answer it, let us pose another hypothetical one. Would it be appropriate for a for-profit private corporation to operate this nation's court system? As with prisons, some of the functions of these institutions are already contracted out to for-profit private corporations: maintenance, janitorial services, and construction. Some courts already meet in facilities that are rented or leased from private corporations and individuals. Wouldn't judges be more accountable if they were hired, supervised, and evaluated by a sophisticated corporate personnel office, rather than being appointed or

elected? Why not take the next logical step and let the private sector bring its management and entrepreneurial skills to our court system, so that those responsible for administering that system can concentrate their full energies on the search for justice?

One of the consistent themes in Christ's teachings, paraphrased, is that there are some things that must never be bought and sold in the marketplace. We believe that among these are the powers to

- take away another human being's freedom;
- separate them from other human beings;
- prevent them from communicating in any way with others; and
- use of physical force against them, up to and including deadly force.

These are among the powers that are vested in those who operate prisons, whether private or public. Imprisonment itself, segregation, solitary confinement, withholding of food, "cell extractions"—these are excruciatingly serious and solemn acts, to be undertaken only with the utmost deliberation and with the most careful and prayerful judgment. Whatever stands in the way of impartial judgment cannot be countenanced.

For example: A major factor in the decision as to whether to release someone from prison is the reports on their behavior filed by the correctional employees who work with them. In at least one of the major for-profit private prison corporations, correctional employees receive stock in the corporation as their pension plan. It is therefore in those employees' self-interest to make sure that the for-profit private prison corporation is as profitable as possible. If the corporation is having trouble filling its "beds" (a common situation in the for-profit private prison industry), that employee is in a serious conflict of interest position when being asked whether or not a prisoner should be paroled. While we hope and expect that many if not most correctional employees would act honorably under these circumstances, the very dynamic places them as well as the prisoner in an intolerable situation.

This is perhaps the most basic reason why for-profit private prisons must be abolished. Decisions about the treatment of prisoners cannot run the risk of corruption by considerations of what will make the most profit for the corporation, its shareholders, and its employees. The question of whether human beings should be incarcerated for profit cannot be answered by an increased bottom line. In a humane society, in a democratic society, there are some things that can never be for sale, even and especially when they involve "one of the least of these followers of mine." Even if for-profit private prisons could achieve significant cost savings to the taxpayer, they would still be ethically unacceptable.

As it happens, for-profit private prisons do not save the taxpayers money. Studies have shown that, at best, they cost approximately the same as public prisons. In the face of these analyses, including a major study by the federal government's General Accounting Office, even the for-profit private prison corporations themselves have generally stopped making the argument about cost-effectiveness (U.S. General Accounting Office, *Private and Public Prisons: Studies Comparing Operational Costs and/or Quality of Service*, Reference GAO/GGD-96-198, 1996, Gaithersburg, Maryland; Abt Associates, Inc., *Private Prisons in the United States: An Assessment of Current Practice*, October 1998).

There is more to this issue than meets the eye, however. Cost-comparison studies of public and private prisons fail to take into account the hidden costs of the latter. For example, a 2001 study by Good Jobs First showed that more than one billion dollars in hidden public subsidies have gone to the for-profit private prison industry. When these costs to the taxpayer are taken into account, the true cost of for-profit private prisons is significantly more than that of prisons operated by the public sector.

What for-profit private prisons actually do is not to save funds but to redistribute how existing funds are allocated within the prison system. In order to pay the salaries and benefits of corporate executives, who make much more than public corrections managers at every level, and to achieve significant earnings for shareholders (who of course also include these same executives), they need to find other places to cut costs.

This speaks to the third argument in favor of for-profit private prisons, that they can "do it better." To be sure, there are industries where modern management techniques can save money without cutting services, but prisons are not one of them. In order to cut costs internally, for-profit private prison corporations must do the following:

- Cut services to prisoners. Studies of for-profit private prisons have documented reductions in food, medical and rehabilitation services, job training, and other resources available to prisoners (Allison Campbell, Andrew Coyle & Rodney Neufeld, *Capitalist Punishment: Prison Privatization and Human Rights*, Clarity Press, Atlanta, February 2003; Private Prison Report International [www.psir.org/justice](http://www.psir.org/justice)).
- Cut employee wages and benefits. This has resulted in less qualified and trained correctional employees, as well as remarkably high turnover rates. The result is diminished safety and security for both prisoners and correctional employees, including higher incidents of violence in all directions.
- Cut the number of employees. In the case of correctional officers, this is done by relying more on electronic surveillance (one of the "modern manage-

ment techniques" that's applied to prisons) and on "lockdowns." By keeping prisoners in their cells for long periods of time each day, by restricting interaction with other prisoners through such activities as recreation, for-profit private prison corporations reduce their need for correctional staff—but at what price and to whom?

The final argument in favor of for-profit private prisons, one made privately and sometimes obliquely to public officials, is actually an argument against them as far as the general public is concerned. Because the for-profit private prison corporations are dependent on policy—that is, decisions made by elected and appointed officials—they need to find ways to argue for and to determine that policy. Often that argument is couched in the form of a campaign contribution written to a key elected official, or to someone hoping to be elected. A 2002 study by the National Institute on Money and State Politics found that, in the 2000 election cycle, the for-profit private prison industry made more than a million dollars in campaign contributions in fourteen southern states alone. Often the candidates they are backing financially are supporters not only of for-profit private prisons, but also of other regressive criminal justice policies, including harsher sentencing laws. In this way, the for-profit private prisons exercise a corrupting influence on debates around criminal justice policy. They may help a set of candidates get elected, but in doing so they make it harder for the rest of us to move towards a more humane and just set of policies around issues of criminal justice and prisons.

The myth of prison privatization is that the government identifies a need for a certain number of prison beds and then searches on the open market for the company that will give the best possible service at the lowest possible price. The truth, unfortunately, is just the opposite. For-profit private prison companies don't care if their services are "needed" so long as they can find someone willing to pay. And they certainly aren't interested in competitive bidding, because competition drives prices and profits down.

Cornell Corrections' bid to build and operate a juvenile facility in Navassa, North Carolina, is a case in point. The initiative to build the facility came not from the state's Office of Juvenile Justice, but from State Representative David Redwine, who represents the county where the facility was to be located. About a dozen firms expressed interest in this possibility for profit. But after they looked at the requirements and the bizarre way the company would be chosen—Brunswick County Representative David Redwine and other legislators would play a role—they apparently got the picture. They decided not to waste their time and money bidding on a contract that obviously was headed for somebody else. As an editorial in the *Wilmington Star* explains: "Legislators for Brunswick and New Hanover counties greased the skids for that compa-



ny, and after a brief, doomed attempt to solicit other proposals, the state is left with only one bidder: the one our Honorables wanted in the first place.”

In most respects, this story is like every other story of influence peddling, with one major exception. While most pork-barrel projects waste dollars, the Cornell facility would also have wasted children’s lives. As the *Wilmington Star* observes, “Whether this is the smartest way for the state to try rehabilitating young offenders is entirely beside the point. Many people think it isn’t ... [but] unless something unexpected happens, Cornell Corrections will get its chance to make money penning up punks in Navassa.”

Fortunately, something did happen. Rural folks from Brunswick linked up with urban youth and advocates from Wilmington and Raleigh-Durham, and started making noise. At the same time, an overconfident Cornell jacked up its bid for running the facility, and the project was shelved, at least for the moment.

Grassroots groups have also made Cornell a two-time loser in Alaska, but the company has not given up on finding a way to turn its substantial political capital into a prison contract. In 1998, Cornell Corrections acquired Allvest Inc., an operator of pre-release halfway houses, in order to develop Alaska’s first private prison in the Delta Junction. Cornell convinced the city to give the company a sole-source (noncompetitive) contract, but “after elections had changed the makeup of the Delta Junction City Council, the city rescinded the contract that would have made Allvest the recipient of the prison without competitive bids.” Cornell then sued Delta Junction for breach of contract (“Prison’s profitability brought into question.” Associated Press, February 5, 2001).

With the Delta Junction project tied up in lawsuits, Cornell tried instead to get the project sited on Kenai Peninsula. There, Cornell managed to win over the city council, but couldn’t overcome opposition from Kenai residents, who voted down the project by a resounding 3–1 margin, even after Cornell and their allies sank over \$300,000 into the campaign.

Despite two major fiascos, Cornell hasn’t given up hope for their private prison in Alaska, which the company estimates could be worth \$600 million over the next twenty years. To reinforce this effort, they are making strategic use of campaign contributions. In 1998, Cornell funneled more money to Alaska Governor Tony Knowles (\$6,375) than to any other politician in the country. That year, Alaska was the second largest recipient of private prison funds after California (*Anchorage Daily News*, February 30, 2001).

Between 1990 and 1998, Allvest (now Cornell) contributed nearly \$120,000 to state political campaigns, including \$5,100 in 1996 and 1998 given to Eldon Mulder, House Finance co-chair and author of the legislation

authorizing a prison in Delta Junction (*The Prison Payoff*, November 2000). In addition to political contributions, Cornell lobbyist Joe Hayes paid Eldon Mulder’s wife \$85,000 to work as his office manager (*Peninsula Clarion*, September 23, 2001).

Cornell is so well connected that one of their executives was appointed to chair a subcommittee charged with “advising” the state on prison privatization. When that created too much of a conflict, he was replaced by a former Cornell executive (*Anchorage Daily News*, February 28, 2000).

Alaska and North Carolina are just the tip of the iceberg when it comes to buying political influence. According to data compiled by the National Center on Money in State Politics, in 1998 alone, the Big Three private prison companies funneled 645 contributions to 361 candidates in 25 states for a total of more than \$540,000, a significant sum in terms of state elections. Cornell Corrections gave \$110,575—more than 20 percent—of the total even though at the time the company had just 6 percent of the market in adult prison beds.

Alaska is also the tip of the iceberg when it comes to dubious deals. For instance, the former mayor of Richmond, Leonidas Young, was indicted on multiple counts of racketeering, fraud, and money laundering for a number of schemes, including one in which Young and his associates were paid \$44,500 to help Cornell win a contract for a city jail (U.S. District Court-Eastern District of Virginia, September 1998).

Finally, Alaska isn’t the only state where Cornell has sued after the company’s political scheme fell apart. Cornell also sued the state of Utah after the Department of Corrections abandoned plans for a private prison in Tooele County, forcing the state into a \$1.5 million settlement. A grassroots coalition convinced the state that the space was not needed.

The nature of the for-profit private prison industry also leads to conflicts of interest and raises fundamental questions about how decisions regarding criminal justice and prison policy are made. In order to prosper, prison operators need to maintain a steady flow of prisoners and prison dollars. One of the industry’s tools for accomplishing this is the American Legislative Exchange Council (ALEC), a powerful right-wing lobby group that helps corporations draft and enact “model” legislation.

Industry leaders Corrections Corporation of America (CCA) and Wackenhut have paid tens (if not hundreds) of thousands of dollars in exchange for a privileged position on ALEC’s Criminal Justice Task Force, which CCA chairs. The ALEC, in turn, not only promotes privatization, but also claims credit for having helped enact “Truth In Sentencing” and “Three Strikes” laws in twenty-five states (American RadioWorks story on ALEC



(<http://www.americanradioworks.org/features/corrections/laws1.html>.) Also see ALECWatch.org for a full report <http://www.alecwatch.org>. Western Prison Project report on ALEC and state campaign contributions in the West <http://www.westernprisonproject.org/publications.html>.

In addition to investing heavily in groups like ALEC, the for-profit private prison industry spends millions on campaign contributions (Brigette Sarabi and Edwin Bender, *The Prison Payoff: The Role of Politics & Private Prisons in the Incarceration Boom*, Western States Center and Western Prison Project, Portland, November 2000; Edwin Bender, *A Contributing Influence: The Private-Prison Industry and Political Giving in the South*, The Institute on Money in State Politics, Helena, Montana, 2002). While the industry initially focused on building influence at the state level, their growing dependence on Federal contracts has led them to prioritize getting leverage at the Federal level. Between 1995 and 2000, the Big Three contributed more than \$528,000 to Federal campaigns, according to the Center For Responsive Politics (*Wall Street Journal*, November 6, 2001).

But the industry's campaign contributions and political connections also pay off at the state level. In 1998, the industry spent \$540,000 on state elections, where a little money goes a long way. The industry's lobbying, campaign contributions and political connections pay off. Cornell convinced the North Carolina legislature to appropriate \$2.5 million for a youth jail the Department of Juvenile Justice never requested. In Mississippi, Wackenhut persuaded the state to pay millions for empty private beds while schools were in a funding crisis (National Institute on Money in State Politics on the campaign contributions in the southeast <http://www.followthemoney.org/press/prisons.phtml>).

Some other examples:

- When Corrections Corporation of America made an audacious bid to take over management of the entire Tennessee state prison system, the company had the good sense to hire the wife of the house speaker as their chief lobbyist. The company failed to take over the system, but won a number of contracts.
- Wackenhut Corrections went a step further in New Mexico by putting Manny Aragon, then president pro tem of the State Senate, on the company's payroll. Aragon denied that his new job created any conflict of interest even as he reversed his longstanding opposition to prison privatization. As a result, New Mexico became the state with the highest percentage of its prison population in private facilities.
- In the late '90s, the industry managed to get a provision inserted in an omnibus budget bill requiring half of all prisoners from the District of Columbia to be placed in private prisons. The provision was

enacted with no studies, no hearings, no discussion, and so quietly that even D.C. shadow Senator Eleanor Holmes Norton didn't know about it until well after it had been passed.

- CCA's recently departed Chief Operating Officer, Michael Quinlan, served as director of the Federal Bureau of Prisons (FBOP) under former President Bush. Wackenhut board member Norman Carlson directed the agency under Ronald Reagan.

Finally, the industry fuels prison expansion by substituting private capital for public debt, effectively circumventing bond referenda and other processes designed to give voters a say in where their money goes.

#### **D. Analysis III: The Presbyterian Church and For-Profit Private Prisons**

In the preceding section, we summarized the arguments that have been made in favor of for-profit private prisons and then the counterarguments against these positions. In fact, far more arguments have been made against for-profit private prisons than in favor of them. For the Presbyterian church, many of these arguments are rooted in church policy, practice, and teaching. It is very clear that existing policy regarding the church's beliefs on incarceration contradict the profit-driven incentives of the for-profit private prison industry. This section summarizes the relevant elements of church teaching and then sets out how this relates to the debate over for-profit private prisons.

1. The PC(USA) has called for the use of incarceration as a last resort.

The 118th General Assembly (1978) of the Presbyterian Church in the United States (PCUS) in a statement on *The Church and Criminal Justice* reflected on the belief that "restraint may be necessary to limit or prevent behavior that is dangerous to others" (*Minutes*, PCUS, 1978, Part I, p. 199). Yet it noted that the ultimate objective of the criminal justice system should be "one of reconciliation rather than one of retribution" (*Minutes*, PCUS, 1978, Part I, p. 202), including punitive measures taken against prisoners. It also held that "imprisonment should not be used as the principle means to achieve community protection and well being" (*Minutes*, PCUS, 1978, Part I, p. 202). Instead, this statement called for a "broad range of alternatives for restoring accused and convicted persons to community" (*Minutes*, PCUS, 1978, Part I, p. 202). Such calls for alternative methods of dealing with crime were reaffirmed by the 121st General Assembly (1981) of the Presbyterian Church in the United States (PCUS) where such methods were seen as "more productive of meaningful change in the individual and more likely to bring about a reduction in the crime rate" (*Minutes*, PCUS, 1981, Part I, p. 111).

In an action taken on *Overture 5-84. On Studying Alternatives To Incarceration And Advocating The*

*Development And Implementation of Such Alternatives—From the Synod of Piedmont*, the 196th General Assembly (1984) of the Presbyterian Church (U.S.A.) also noted the need for working for changes in the system that would allow for the “maximum use of all available alternatives to incarceration” (*Minutes*, 1984, Part I, pp. 55, 621), specifically noting that the legal definitions of some offenses need to be reclassified so that “treatment rather than incarceration” (*Minutes*, 1984, Part I, pp. 55, 621) would become the response of a caring, compassionate society.

All of these responses support an action taken by the 184th General Assembly (1972) of the United Presbyterian Church in the United States of America (UPCUSA) in a report on Justice and the Imprisoned Statement. That assembly stated “the reduction of reliance on incarceration must be accomplished as soon as possible” (*Minutes*, UPCUSA, 1972, Part I, p. 430). The rationale behind this request was that “no substantive social objectives are served by the involuntary confinement of individuals.” On the contrary, prisons contribute more to the perpetuation of crime than to its correction. There is massive evidence that “prison and jail life are seriously destructive of the health of human personality” (*Minutes*, UPCUSA, 1972, Part I, p. 430).

The for-profit private prison industry, however, must rely on incarceration not as a last resort, but as the preferred one, if it is to remain viable. For this industry, recidivism is not a failure, but an opportunity for repeat business. The existence and fiscal health of the entire industry rests upon incarcerating as many people as possible for the maximum feasible amount of time.

For this reason, the industry’s goals completely contradict the stated aims of the church. For the for-profit private prison industry, rehabilitation and restoration to community for the incarcerated are not moral mandates but a threat to the industry’s continuing success. Therefore, to promote their own interests, those involved in the business of prison privatization provide financial support and leadership for organizations that lobby for longer prison terms rather than alternative sentences, for mandatory terms for victimless crimes. They contribute heavily to campaigns of candidates for public office who favor incarceration and support prison privatization as a way to save the taxpayers money. This strategy allows for the continuation of the industry but does a great disservice to those who are now incarcerated or who will become so when alternative sentencing may have proved more beneficial. These women and men are abandoned to a system that now sees them as commodities, something to be used as a means to make more profit.

2. The PC(USA) has called upon the church to protect the health, safety and legal rights of offenders.

In a statement on *The Church and Criminal Justice*, the 118th General Assembly (1978) of the Presbyterian Church

in the United States (PCUS) stated that “human justice which reflects God’s loving justice and just love will be especially concerned to guarantee, maintain, and defend the rights of those in our society who are socially, politically, and spiritually the weakest, most vulnerable, most likely to be forgotten or exploited and oppressed, most unable to help and defend themselves” (*Minutes*, PCUS, 1978, Part I, p. 199). It has been well-established that in the prison populations in our country, the poor, the mentally ill, and people of color are all over-represented. Once these individuals enter the criminal justice system, they are even more vulnerable. As a society, we have placed them in this position and are required to be responsible for their welfare while they are there. Their health and well-being are (or at least should be) under our control.

In placing such individuals under the control of those who wish to profit from their incarceration, we pay someone to take on the responsibility for us. Here the goals of the for-profit private prison corporations and the stated goals of the church again stand in conflict. For those who are paid to carry out society’s responsibility to the incarcerated have another and conflicting mandate, to control costs. This puts them at odds with expending resources to ensure that the health, safety, and legal rights of prisoners are protected.

There is ample evidence to support this contention. There is higher number of violent incidents in for-profit private prisons, due to lack of sufficient correctional officer training, a high turnover rate due to low pay, and a higher number of prisoners per officer. All these measures save money for the corporation but do not focus on offender safety. A 1997 survey by criminologist James Austin shows that rates of violence are 49 to 65 percent higher in private than in public prisons. A 1999 study by researcher Judith Greene, the most comprehensive to date, demonstrates that Corrections Corporation of America (CCA)’s model Prairie Correctional Center had problems across most areas of operation when measured against comparable public prisons.

In such a setting, it is even difficult to monitor offender status at all, due to a lack of accountability on behalf of the for-profit private prison corporations to any but their own stockholders, the distance between offenders and their friends and families due to the interstate traffic in private prisoners and the lack of local monitoring of the prison environment. For-profit private prisons, claiming the rights of private property, have denied access to public officials ranging from sheriffs to health inspectors.

There are numerous examples of the levels of violence, particularly violence against women and juveniles, that are the result of this dynamic. These violations are not particular to any one of the major for-profit private prison corporations, but are endemic to all of them. Following are documented examples from the three largest U.S. based for-profit private prison corporations: Corrections

Corporation of America, Wackenhut Corrections and Cornell Corrections:

a. *Corrections Corporation of America (CCA)*

Corrections Corporation of America (CCA), which received its first contract in 1985 from the Immigration and Naturalization Service, is the world's largest and most notorious private prison company. The following are two examples of "business as usual" at CCA:

- William P., a fifteen-year-old boy had to be hospitalized in a state psychiatric ward for an entire year after spending six months at the CCA Training School in Columbia, South Carolina. A lawsuit filed against the company described a pattern of abusive treatment, including hogtying William and locking him in a cell with larger, older males known for victimizing youth as a form of "punishment." The jury awarded the family \$3 million, citing a pattern of criminal misconduct by the company. (More information: [2-2-1-1 CCA PP Metroland 5-15-00]. PDF of verdict: <http://www.afsme.org/private/prisons/suit-sc.pdf>)
- Salah Dafali, an asylum-seeker, was detained in a CCA's Elizabeth, New Jersey, detention center. Dafali was beaten by guards for participating in a nonviolent protest and sent to a local hospital where doctors found boot-print marks on his face. (More information: [<http://www.psir.org/justice/ppri-archive/ppri29-04-99.htm>] Bergen Record coverage [<http://199.173.2.7/news/caguard199904193.htm>]).

b. *Wackenhut Corrections*

Wackenhut, the second largest for-profit private prison corporation in the United States, has a record of abuse to rival CCA. Some examples:

- Sara Lowe was fourteen years old when she was arrested and remanded to Wackenhut's Juvenile Justice Center in Coke County, Texas. While the company promised that Sara would get intensive counseling and education, her family later discovered that she had been raped almost nightly by one of the guards. Sara's family filed a suit against Wackenhut that was joined by eleven other girls who had been sexually abused at Coke County. Sara eventually committed suicide, on the same day the company agreed to settle the lawsuit without publicly accepting responsibility. (More information can be found at the following Web address: [<http://www.cbsnews.com/stories/2000/05/09/60II/main193636.shtml>]).
- On March 30, 2000, the U.S. Justice Department sued the state of Louisiana and Wackenhut Corrections, alleging that juveniles at the company's Jena Juvenile Justice Center were being "subjected to excessive abuse and neglect." A juvenile court

judge observed that youth sent to the facility "wound up in a place that drives and treats juveniles as if they walked on all fours. These young people deserve to be treated like human beings, not animals." Even after the state took over control of the facility, a district court judge was forced to issue an order forbidding retaliation against juveniles who were cooperating with the investigation after youth reported being threatened by Wackenhut employees. (More information can be found at the following Web addresses:

[<http://www.guardian.co.uk/international/story/0,3604,178467,00.html>]. Justice Department lawsuit: [<http://www.usdoj.gov/opa/pr/2000/March/155cr.htm>].)

c. *Cornell Corrections*

Between 1999 and 2001, Cornell Corrections was contracted to operate the Santa Fe County Detention Center. Cornell's tenure at the jail was a fiasco: from sexual misconduct to inadequate medical care to over billing, Santa Fe became a textbook case for the failure of prison privatization. The following are some of the lowlights.

- There were multiple accounts of sexual violence and misconduct by guards at the Santa Fe County jail, most of which are detailed in a July 18, 2001, story by *The New Mexican*.
- Cornell guard, Marcos Cordova, was indicted on five counts of criminal sexual penetration for having intercourse with a female prisoner in December 2000 and February 2001.
- Cordova wasn't the only jail employee to end up on the wrong side of the bars. On April 16, 1999, a Cornell guard was arrested for forcing a male prisoner to give him oral sex. On March 6, 2001, the paper reported that another guard was arrested for beating a prisoner and sending him to the hospital.
- Cornell guard, Marcus Trujillo, who resigned in March 2001, was accused of sexual misconduct by four women who say they were assaulted by Trujillo on multiple occasions. Prisoner Mary Lucinda Valdez reported one incident to management, but Trujillo continued working in the women's unit. Valdez also reports being raped by another guard. "Trujillo and other guards 'sexually harassed' her and 'assaulted and fondled and repeatedly coerced (her) into having sexual relations.'" Three more women—Carmen Jaramillo, Michelle Montano, and Bertha Martinez—announced plans to sue the jail for allowing men into their cells in violation of state law.

Allegations of sexual assault by Cornell employees were not limited to the Santa Fe jail. A forty-one-year-old



guard at Cornell's Airport Road juvenile facility (also in Santa Fe) was fired after a fifteen-year-old girl accused him of molesting and raping her (*Albuquerque Journal*, April 29, 1999).

In addition to the sexual abuse suffered by female prisoners, there were also numerous instances of administrative incompetence, at best:

- In March 1999, when Cornell brought in Lawrence Barreras as the jail's new warden, the company forgot to tell the county one thing: Barreras had been fired from his job as the head of a state prison in Roswell just two years earlier. According to a lawsuit filed by Barreras, the accusations against him included "conspiring to misappropriate public funds for private gain" (*The New Mexican*, June 2, 1999).
- On October 29, 1999, *The New Mexican* reported that "The Santa Fe County jail, once proposed as a money maker, has hit the county again in the pocketbook" to the tune of \$80,000. It turns out that Cornell and the company's contractor, Landmark Organization, paid workers 40 percent less than was allowed under the state's minimum-wage law. The state forced all three parties involved to cough up \$80,000 apiece, an amount that is still a fraction of what workers are owed.
- On March 31, 2000, *The New Mexican* reported that Cornell "regularly submits bills to the city of Santa Fe for housing the city's prisoners that are so over inflated Santa Fe simply refuses to pay them ... there are so many corrections to make to the bills, the city has a full-time employee whose main job is to dispute the charges." In the same article, the Santa Fe's deputy police chief estimated the bills have a "30 percent error rate."

While Cornell was running the Santa Fe jail, it was so dependent on the \$65 per day that prisoners brought in from the city that they failed to release them on time, even when sheriff's deputies came to the jail bearing release orders signed by a judge. State District Judge T. Glen Ellington became so tired of having his release orders delayed by Cornell that, in August 1999, he gave the company seventy-two hours to come up with a release policy before moving prisoners in his division to another jail (*Albuquerque Journal*, August 10, 1999). Despite the judge's ultimatum, the problem continued according to Attorney Val Whitley, who told *The New Mexican* more than a year later the jail's managers "think they have more power than judges" (October 11, 2000).

Rehabilitation and restoration require funds, which adversely affect the bottom line for companies involved in prison privatization. Their goal is to expend as little per day per prisoner as possible, thus ensuring a larger profit margin. Programs that seek to rehabilitate or restore those

prisoners inhibit this goal. Therefore, educational, job training, medical, mental health, and substance abuse programs are often underfunded or simply nonexistent.

The examples of medical misconduct are particularly egregious:

- Anthony Bowman, a young African American man, died of pneumonia while serving a six-year sentence for check forgery, after a CCA doctor denied him adequate medical care. The CCA's doctor was working under an incentive contract, later ruled unconstitutional, that allowed him to double his salary by achieving steep reductions in medical costs. (More info. [<http://www.tennessean.com/sii/00/06/26/cca26.shtml>].)
- Rosalind Bradford, a twenty-three-year-old woman held at a CCA facility in Silverdale, Tennessee, died from an undiagnosed complication during pregnancy after CCA officials let her suffer in agony for twelve hours before taking her to a hospital (<http://past.thenation.com/issue/980105/0105bate.htm>).
- At Cornell's Santa Fe County jail, prisoners consistently reported problems obtaining prescribed medications and getting adequate treatment during the period when Cornell was operating the jail (*The New Mexican*, March 31, August 30, and October 11, 2000). After touring the jail, a grand jury reported that medical areas "failed even the most minimum sanitary requirements" (*Albuquerque Journal*, December 2, 2000).
- Inadequate medical care was also a problem at Cornell's Great Plains Correctional Facility in Oklahoma, where the Department of Corrections levied its greatest fine ever (\$168,750) against the company for not meeting its medical service obligations and withholding information from the state (Associated Press, March 11, 2000).

3. Existing PC(USA) policy calls for the rehabilitation of prisoners and their reintegration into society.

This not only differs from but also directly contradicts the for-profit private prison industry's goals, as the above examples demonstrate. The overriding theme of past church policy statements has been the assertion that our criminal justice system not be one of merely punishment. We as Christians are prohibited from venturing into the sin of revenge seeking. Instead, the system is to be focused on the rehabilitation and restoration of the offender. Such a vision is threatening to the for-profit private prison industry. Its whole reason for being is to warehouse at a profit prisoners who have been neither rehabilitated nor restored to the community.

4. Existing PC(USA) policy emphasizes community responsibility and involvement.



In its 1972 statement on *Justice and the Imprisoned*, the UPCUSA noted, "it is imperative that the bulk of correctional programs be restructured as small, intensive, and varied endeavors that keep the offender in the community while providing a measure of corrective help fully commensurate with his or her needs" (*Minutes*, UPCUSA, 1972, Part I, p.428). The for-profit private prison industry seeks to avoid or at least limit outside interference in its 'business.' By contrast, Christians believe this community involvement is necessary for three reasons:

a. Community involvement is required to allow for Jesus' mandated ministry.

In the same statement from 1972 that was mentioned above, the UPCUSA reminded the church that "the witness of Jesus demonstrates that Christians must show compassion and do justly for those our society has incarcerated" (*Minutes*, UPCUSA, 1972, Part I, p. 427). It also reminded the church that "the church is called to proclaim a gospel of deliverance and reconciliation" (*Minutes*, UPCUSA, 1972, Part I, p.427). In 1978, the PCUS "challeng[ed] the church in witness and work to provide a ministry to prisons and prisoners that is spiritual in its aims to add to the spiritual dimensions of the redemptive love of Jesus Christ to worthy rehabilitative efforts" (*Minutes*, PCUS, 1978, Part I, p. 203). Prison ministry finds its basis on the biblical witness of Luke 4:18, Heb. 13:3 and Matt. 25:31-46, which all speak to the necessity of ministering to those in prison, as well as to other scriptural texts noting God's concern for the marginalized and the oppressed.

All programs cost extra money in terms of staff, security, and resources. Therefore, the cost of ministry programs conflicts with the goal of private prisons to increase profits. Should they be successful in their goals of rehabilitation, they would also conflict with the necessity of the private prison industry to keep as many beds full as possible.

b. Community involvement is required to ensure citizen monitoring of conditions.

In its 1978 statement, the PCUS declared members of the body of Christ are in a unique position in regard to the incarcerated. It notes that "we see them through the eyes of the Crucified Christ whose death and resurrection give us hope that God abandons no human life and leads us to advocate a social order where compassion and justice characterize our efforts to those in the prison system" (*Minutes*, PCUS, 1978, Part I, p. 204). Such an order cannot be accomplished when we have no knowledge of how the children of God are being treated behind prison walls. That for-profit private prisons try to shy away from society's oversight does not relieve Christians of their duty toward those who are captive there.

Indeed, their increased vulnerability gives them more of a claim upon us. Entrusting fellow human beings to the

hands of the for-profit private prison industry means abandoning our responsibility to them and trusting the private prison companies to care for them. This is necessitated by the fact that, as the system is currently configured, for-profit private prisons are less accountable to community pressure and not required to be as forthcoming with information as governmental entities. Putting the already vulnerable prisoner population in a situation that leaves them further at risk is unacceptable to Christians, who are called to minister to and advocate for these same children of God.

Rather than abandoning them to their fates, the 1972 statement on Prison Reform by the PCUS asks pastors and churches to take steps to monitor the well being of prisoners by insisting on citizen inspection of penal institutions in their area and confronting political candidates, courts, and other members of the system for reforms. However, this is much more difficult in the case of for-profit private prisons, which insist on their rights to "private property" and "trade secrets" to discourage oversight and investigation.

c. Community involvement is required to maintain ties between prisoners and their families.

In 1978, the PCUS called upon its members to recognize that "human justice can only reflect God's justice as it creates and preserves life in community" (*Minutes*, PCUS, 1978, Part I, p. 200). It went on to assert that "a system that deliberately isolates people from other people, separates them from the opposite sex or from their families helps create and encourage the very antisocial behavior it is supposed to remedy" (*Minutes*, PCUS, 1978, Part I, p. 200).

Private prisons do this in a number of ways. First, they separate families by moving incarcerated individuals to other states, where it is more difficult to receive visits from family members. From the point of view of the for-profit private prison corporations, what's critical is to keep as many "beds" filled as possible. To them, capacity means profitability. But, because their prisons are located throughout the country, they need to move prisoners primarily at their discretion to keep as many beds filled as possible.

Transportation of prisoners from the place of their adjudication to a for-profit private prison and back plus any transportation between private institutions is handled by private companies which contract with the private prisons or by the for-profit private prison corporations themselves through wholly-owned subsidiaries. Some prisoners have described the time on the road in such arrangements as the worst time of their life. This transportation is unregulated, unsafe and, like the rest of this business, driven by the profit motive. There are reports of prisoners traveling by bus for as many as seventeen days because of circuitous routes or the need to stay in another

private prison owned by the same corporation—if they are not left on the bus all night. Prisoners from Hawaii have been sent to Minnesota, prisoners from Alabama to Arizona, all to make sure that private prison beds are filled and profits being made. In this situation, prisoners

are treated not as human beings but as capital commodities; the corporation maintains its 'liquidity' by moving them at will. This distance also makes it harder for the individual to be reintegrated into his or her community.

## ***Conclusion: The Church's Call***

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Our church is called to raise her prophetic voice to demand justice on behalf of our sisters and brothers, children of God, who are incarcerated. The composition of the population of our prisons should raise an alarm for anyone called upon to speak for the oppressed. We are called not merely to offer our forgiveness to those who have traveled a road of oppression, deprivation and racism while we were busy maintaining our own security but to ask for God's forgiveness and theirs for our complicity in what our criminal justice system has become.

Presbyterian policy has opposed prisons in general as the primary means of addressing criminal behavior since 1972. Not only have we been collectively guilty in not addressing these problems, but also trends of social injustice and punishment over rehabilitation have significantly worsened in the last thirty years.

Christ calls us to turn a critical eye to a system that is at least partly responsible for the social, political, economic, moral, and spiritual conditions that make some of our members weak, threatened, helpless, sick, and tempted to antisocial behavior. It is the very society in which we live and which we have helped establish that creates the poor, weak, and oppressed whom God calls us to serve. We fail these members of our community when we let our gov-

ernments assign prisoners to for-profit private prisons and only provide needed services and treatment programs after a person has committed a crime and is incarcerated.

The for-profit private prison corporations are substantially outside the scope of governmental regulation and control. They exploit the most vulnerable members of society. They isolate and make invisible the people they lock up. For-profit private prisons are a moral evil, which on a religious as well as an ethical basis cannot continue to exist. When we allow our governments to hire private corporations to run our prisons as if they were for-profit businesses and nothing else, we are abdicating our responsibility.

We have had policy on criminal justice issues by our church throughout its history, yet many of us ignore the need for reconciliation and have abandoned these children of God—first to a punitive government and now to a for-profit industry where they are seen not as human beings worthy of respect but as commodities from which to profit. The church must cry out in opposition to these exploitative, isolating, and unaccountable practices while joining with others in our midst that are proclaiming a vision where restorative not punitive justice allows us to more closely emulate God's justice and God's kingdom.

# Appendix A

## Notes on the Resolution

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This section provides additional information on some of the strategies and tactics summarized in the resolution.

### 1. Support state and local legislation as well as federal.

Federal legislation to permanently abolish for-profit private prisons is an ideal long-term goal and, in the long run the only thing that will finally resolve this issue. In the short run, it's also critical to act legislatively at the state, county and city/town level. Significant gains have been made already at these levels. In many jurisdictions, the PCUSA can play a leadership role in working towards such legislation.

### 2. Ban the interstate commerce in private prisoners.

This is one of the most appalling aspects of the for-profit private prison industry: As noted above, "Some prisoners have described the time on the road in such arrangements as the worst time of their life." This 'commerce in souls' flies in the face of everything that is known about rehabilitation. Both common sense and experience suggest that, the closer to home a prisoner does his or her time, the smaller the chance that she or he will return to prison after release. (Norman Holt and Donald Miller, *Explorations in Inmate-Family Relationships*, Research Division, California Department of Corrections, Sacramento, California, January 1972.) The central finding of this research is the strong and consistent positive relationship that exists between parole success and maintaining strong family ties while in prison. (<http://www.fcnetwork.org>) The for-profit private prison industry, however, treats prisoners as commodities rather than as human beings, transporting them thousands of miles from home for the convenience and profit of these corporations.

Obviously, a federal ban on the interstate trade in prisoners would be ideal, but difficult in the current political climate. However, there are opportunities for action at the state and local level. States, counties and cities (with the states being the most critical) can pass legislation making it illegal to send prisoners out of their jurisdiction to for-profit private prisons, as well as legislation making it illegal to bring private prisoners into the state. The latter has already been done successfully in North Carolina and can be a model for other states.

### 3. Ban the construction of speculation prisons.

Speculation or "spec" prisons are one of the most insidious elements of the for-profit private prison industry. These are prisons constructed without authorization from any governmental body. In essence, a for-profit private

prison corporation simply builds a prison in a convenient location and then goes shopping nationally for prisoners to fill it, sometimes using the services of so-called "bed brokers." The speculation prisons in particular have been a major motivating element in the interstate commerce in prisoners. States, counties and cities can pass legislation making it illegal to construct for-profit private prisons without specific authorization from that jurisdiction.

### 4. Ban the use of private prisons to house juveniles.

Some of the most appalling examples of abuse by the for-profit private prison industry come from juvenile facilities. The CBS 60 Minutes II presentation on Wackenhut's juvenile facility in Jena, Louisiana, for example, presents stomach-churning documentation of violence and degradation. Unfortunately, this is only one example among many. A critical step towards the abolition of all for-profit private prisons can be the elimination of private facilities to house juvenile offenders.

### 5. Intervene to prevent the renewal of government contracts with for-profit private prison corporations.

Many of the contracts that have been signed with for-profit private prison corporations are for three-year terms. When these contracts come up for renewal, it's important to intervene to prevent them from being renegotiated. This is particularly critical now, because the for-profit private prison industry is agitating for significantly longer contracts of up to twenty years in length. Such long-term contracts make a mockery of any pretension of public accountability and give the industry virtual carte blanche to operate as it chooses.

Furthermore, contracts with for-profit private prison corporations limit the ability of government to manage responsibly. Recently, the state of Mississippi, facing a reduction in number of prisoners, tried to cut down on the number of prisoners it sent to for-profit private facilities—but was informed by the industry that it would have to make the contractual payments per prisoner per day, whether those prisoners were actually sent to the private facilities or not. When Ohio faced a budget crisis, it was forced to close a public prison rather than a private one, because breaking its contract with the private prison corporation would have entailed substantial damages.

### 6. Withdraw PCUSA investment from financial institutions that support the for-profit private prison industry.

The for-profit private prison industry does not operate in a political or economic vacuum. One key reason why it has been able to prosper and profit is the inability of government at all levels to finance the construction of new



prisons. When the private prison corporations offer to finance this construction on their own, they relieve government of the need to go to the voters for bond authorization and allow these expenses to be hidden in the budget as operating rather than capital costs.

In almost all cases, though, the for-profit private prison corporations are not using their own funds to build these prisons. These costs are underwritten by both com-

mercial and investment banks, including such well-known financial institutions as Lehman Brothers. It is critical to send a clear message to these financial institutions that, if they continue to make for-profit private prisons possible through their investment in the industry, they can no longer count on the business of socially responsible religious and secular institutions.

## Appendix B

### Context and History II: Prisons and the Criminal Justice System

Prisons and the criminal justice system in the United States are a manifestation of our failures and sins. In the last 20 years, what was already a critical problem has exploded into a crisis of radical proportions. Among the statistics that bear this out:

- The United States currently incarcerates over two million human beings in prisons, jails and detention centers (Bureau of Justice Statistics, "Corrections Statistics," [www.ojp.usdoj.gov/correct.htm](http://www.ojp.usdoj.gov/correct.htm)).
- Although the U.S. has only 5 percent of the world's population (one person in 20), the U.S. has 25 percent of all of the world's prisoners (one prisoner in four) (The Sentencing Project, "U.S. Continues to be World Leader in Incarceration," August 2001, [www.sentencingproject.org/news/usno1.pdf](http://www.sentencingproject.org/news/usno1.pdf)).
- One in three African American men in his twenties is either in prison, on probation, or on parole. There are currently more African American men in prison than in colleges and universities.

The number of people under the control of the U.S. criminal justice system is staggering. According to the Bureau of Justice Statistics of U.S. Department of Justice, at the end of 2000, 1.4 million people were in state and federal prisons and 700,000 were detained in local jails, bringing the total prison population to more than 2 million people, as noted above. (Bureau of Justice Statistics, "Corrections Statistics," [www.ojp.usdoj.gov/correct.htm](http://www.ojp.usdoj.gov/correct.htm)). Adding to the over two million currently in prisons, jails and detention centers the additional 4.5 million people on probation or parole gives a total figure of 6.5 million human beings under the control of the U.S. criminal justice system, more than two percent of the national population (Bureau of Justice Statistics, "Adults in the Correctional Population" [www.ojp.usdoj.gov/bjs/glance/corr2.htm](http://www.ojp.usdoj.gov/bjs/glance/corr2.htm)).

Since 1980, the prison population of the United States has grown quickly and dramatically. In the past twenty years, the number of offenders in federal and state prison has quadrupled. The U.S. incarceration rate (the number of offenders per 100,000 people) has risen 237 percent, from 139 to 468 (Bureau of Justice Statistics, "Incarceration Rate," [www.ojp.usdoj.gov/bjs/glance/incrt.htm](http://www.ojp.usdoj.gov/bjs/glance/incrt.htm)). Between 1990 and 2000, the nation's prison population rose an average of 1,500 individuals per week. In 2000 alone, the total number of offenders in federal prisons rose by more than 40,000 (The Lionheart Foundation, "Corrections in the U.S. ... The Picture Today." [www.lionheart.org/corrections.html](http://www.lionheart.org/corrections.html)).

The United States' incarceration rate has now surpassed even that of Russia. In contrast to the U.S.

incarceration rate of 468 persons imprisoned per 100,000 population, comparable industrial societies in Western Europe have significantly lower ratios, including Great Britain (125), Spain (110), Germany (95) and the Scandinavian countries (50 to 60) (The Sentencing Project, "U.S. Continues to be World Leader in Incarceration," August 2001, [www.sentencingproject.org/news/usno1.pdf](http://www.sentencingproject.org/news/usno1.pdf)).

Ironically, this explosive growth in the nation's prison population has occurred during a decade of rapidly falling crime rates. The Bureau of Justice Statistics reports that between 1993 and 2000, the violent crime and property crime rates each fell by 44 percent, with declines most noticeable in murder (61 percent decline), rape (60 percent), robbery (46 percent), and motor vehicle theft (55 percent) (Bureau of Justice Statistics, "Criminal Victimization 2000: Changes 1999-2000 with Trends 1993-2000." [www.ojp.usdoj.gov/bjs/pub/pdf/cv00.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/cv00.pdf)). According to a September 2000 report published by The Sentencing Project, those states that saw sharp drops in criminal activity had also generally experienced smaller increases in their incarceration rates, meaning that the drop in crime rates was not caused by increased incarceration (The Sentencing Project, "Diminishing Returns: Crime and Incarceration in the 1990s." [www.sentencingproject.org](http://www.sentencingproject.org)).

Such policies have not only social impacts but also significant financial costs. According to the Justice Policy Institute, state and federal governments spent over \$38 billion in 1999 to incarcerate approximately 1.4 million Americans (Justice Policy Institute, *The Punishing Decade: Prison and Jail Estimates and the Millennium.* [www.cjcj.org/punishing\\_decade](http://www.cjcj.org/punishing_decade)). Such figures can only be truly understood if they are set alongside other, competing budgetary priorities. The amount of money spent by the federal government on corrections is 50 percent more than the amount spent on welfare programs that serve 8.5 million people and six times more than the federal government spent on child care programs that serve 1.25 million children (Camp. Camille Graham, and Camp, George M., *The Corrections Yearbook 1998*. Middletown, CT: The Criminal Justice Institute, 1999).

Moreover, unless priorities are redirected, spending on prisons will continue to absorb increasing amounts of taxpayer monies. The U.S. General Accounting Office has documented the steady growth of prison operating costs from \$3.1 billion in 1980 to \$17 billion in 1994, a trend driven largely by the incarceration of nonviolent drug offenders and the imposition of longer sentences, caused by such legislative measures as mandatory minimums and "three strikes and you're out" laws (General Accounting Office, *Federal and State Prisons: Inmate Populations,*

Costs, and Projection Models. Washington, D.C.: General Accounting Office, 1996). These figures, moreover, underestimate the real cost of dependence on prisons, for they do not include debt servicing, tax abatements, or other fiduciary measures necessary to finance the construction boom.

A six-month investigation by Mother Jones in 2001 found that, although more tax money is spent nationally on education than on constructing and operating prisons, the gap has narrowed significantly over the past twenty years. From 1980 to 2000, inflation-adjusted per capita spending on prisons rose from \$44 to \$129, an increase of almost 200 percent, while education rose from \$161 to \$212, only a 32 percent increase ("Prison Spending Growing Six Times Faster than Education Spending." Mother Jones July 2001, [www.motherjones.com/about\\_us/pressroom/prisons\\_release.html](http://www.motherjones.com/about_us/pressroom/prisons_release.html)).

It would seem logical to assume that, with so many new prisons being built, the chronic overcrowding in prisons would have been reduced. Unfortunately, the opposite is true. Due to the increased reliance on incarceration over the past ten years, many prisons continue to be significantly overcrowded, with two and three prisoners assigned to cells designed for one. According to the U.S. Justice Department in August 2001, state and federal prisons operated at 15 percent and 31 percent above capacity respectively (Bureau of Justice Statistics, "Prison Statistics." [www.ojp.usdoj.gov/bjs/prisons.htm](http://www.ojp.usdoj.gov/bjs/prisons.htm)). The Federal Bureau of Prisons recently announced that it would open thirty new prisons in the next seven years to house 50,000 prisoners.

The need to reduce overcrowding, along with the financial burdens that come with operating a massively expanded prison system, are reasons often cited by government officials when arguing for new prison construction. However, there is considerable evidence that new prison construction is actually the major factor in expanding prison population, rather than the other way around, as is commonly assumed and argued. As long as there are "beds" available, even if this means double- and triple-celling prisoners, even if it means building hundreds of new prisons, legislators will have no reason to rethink the regressive policies that have sent millions of nonviolent offenders to prison rather than to rehabilitation and community service.

It is also critical to understand who these new prisoners are. According to the 2000 U.S. Census, 69 percent of the nation's population is white, 12 percent Black, 13 percent Hispanic, 4 percent Asian, and 1 percent Native American. The nation's prison population does not begin to mirror these figures. Over half of all those incarcerated in the United States are persons of color, a result of the widely different rates at which people of color and white people are arrested, arraigned, convicted and sentenced.

The Bureau of Justice Statistics reports that at the end of 2000, the incarceration rate for Black men was 3,500 per 100,000; for Hispanic men, 1,220 per 100,000; and for white men, 449 per 100,000. In other words, Hispanic men were imprisoned at a rate 272 percent that of white men. African American men were imprisoned at a rate 770 percent that of white men (The Lionheart Foundation, "Corrections in the U.S... The Picture Today" [www.lionheart.org/corrections.html](http://www.lionheart.org/corrections.html)).

The number of women in prison is also growing precipitously. Women are entering prisons at a rate faster than any other segment of the national prison population. Although women only comprise 6 percent of those incarcerated (U.S. Justice Department, 1999), the number of women entering prison has risen by 400 percent since 1990, about twice the rate of increase for men. Many have been sentenced to long sentences under mandatory minimum drug laws. Overall, 40 percent of women admitted to state prisons had been convicted of drug offenses ([abc.news.go.com/sections/us/dailynews/prison000420.html](http://abc.news.go.com/sections/us/dailynews/prison000420.html)).

The number of juveniles arrested and sentenced to prison terms has also grown as a result of the "tough on crime" policies enacted at the state and federal levels. According to a 1997 U.S. Justice Department report, if current trends persist, one in twenty children alive today will serve a sentence in a state or federal prison in her or his lifetime (Bureau of Justice Statistics, Criminal Offenders Statistics." [www.ojp.usdoj.gov/bjs/crimoff.htm](http://www.ojp.usdoj.gov/bjs/crimoff.htm)).

The increased rate of incarceration also affects the children of parents in prison. Currently, almost 1.5 million children have at least one parent incarcerated, a 60 percent increase since 1991 (Bureau of Justice Statistics, "Incarcerated Parents and their Children." Washington, D.C.: Bureau of Justice Statistics, August 2000).

Finally, it is important to note the extent to which today's prisoners are nonviolent offenders. More than 50 percent of those incarcerated today have committed nonviolent crimes, crimes that do not involve bodily injury or the threat of bodily injury to others. Many of these nonviolent offenders not only have been sentenced because of drug offenses but are substance abusers themselves. A 1997 RAND Corporation study found that drug treatment reduces serious crimes fifteen times more than mandatory minimums and ten times more than conventional sentences (RAND study MR827-DPRC, 1997).

Although whites and people of color use drugs in virtually identical proportions, there is a significant racial basis in sentencing for nonviolent drug offenders. Cocaine, for example, exists in different forms. "Powder cocaine" is the form of choice for most white users, "crack cocaine" for most users of color. Yet sentences for crack cocaine are significantly harsher than for powder cocaine. Both people of color and whites use the same drug but,

because of the disparity in sentencing laws, people of color receive much longer sentences.

Popular opinion is beginning to agree. A 2001 referendum in California, a state known for its regressive sentencing policies (“three strikes and you’re out” is a California invention) determined that nonviolent drug offenders should be sentenced to rehabilitation rather than to incarceration.

The astounding growth in the number of those imprisoned over the past twenty years has been disheartening to many. It has disrupted and destroyed individual lives, families and communities. It has had a negative financial impact on almost all other public and social service programs, from education to health care.

Yet not everyone is troubled. A handful of for-profit private prison corporations, for the most part newly

organized but also rooted in old histories, have seen this not as a human tragedy but as a remarkable opportunity for growth and profit. These corporations have been among the main beneficiaries of the radical growth in the number of U.S. prisoners over the past twenty years. Increasingly, as they have gained power and access through their think tanks, trade associations, lobbyists and campaign contributions, they have also become one of the central forces driving criminal justice policy in a regressive direction.

Thus, the for-profit private prison corporations are both an effect and a cause of the current prison crisis. In order to analyze not only current prison policy but also what we can and must do to change it, we need to know and understand who these corporations are and how they got to this position of power. It is to this history that we now turn.



## Appendix C

### Context and History III: The Rise of For-Profit Private Prisons

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During the early part of this nation's history, federal and state governments contracted many criminal justice functions out to private individuals and companies. The transportation of felons to the English colonies in North America, and their subsequent employment in the tobacco fields, involved signing contracts with merchants and landowners. With the advent of the penitentiary in the late 1700s, Americans copied British tradition and employed private jailers to warehouse the small-incarcerated population. Such facilities, though, were exploitative and inhumane, as jailers locked up prisoners regardless of age or whether the individual had committed a violent or non-violent act. Jailers also demanded money from prisoners or their families for better food and other basic services.

Following the American Civil War, through the infamous Convict Lease System, southern states contracted out prisoners to the private sector as laborers for farms, roads, railroads, and mines. The resulting abuses were so scandalous that, by the early 20th century, the system had been made illegal by virtually every southern legislature.

The first privately built and operated prison was in San Quentin, California. Within a decade, the state took over its operations due to mismanagement by the staff. Other for-profit private prisons experienced infamous scandals involving political corruption and the abuse of prisoners.

The Progressive Era's emphasis on professionalism, efficiency, and reform ended these experiments with private prisons. Due to the expense involved in taking over the field of corrections, governments allowed for-profit and non-profit firms to bid on certain prison services such

as food preparation, health care, and transportation. With these exceptions, the for-profit private prison industry folded by 1920.

Their current drive to have private firms own and operate prisons began fifty years later in the mid-1970s in the areas of juvenile justice and so-called "illegal aliens." In 1976, RCA Services took over the Weaversville Intensive Treatment Unit in North Hampton, Pennsylvania, which attempted to rehabilitate young boys. The Immigration and Naturalization Services (INS) followed a decade later when its leaders signed contracts with private firms to house three thousand so-called "illegal aliens" in seven facilities. In 1988, Kentucky signed the first contract between a state government and a for-profit private prison corporation.

These developments ushered in the "modern era" for the for-profit private prison industry. Today, approximately 6 percent of those incarcerated in the U.S. are in prisons operated and sometimes owned by for-profit private prison corporations, over 120,000 human beings in all. These corporations have become significant political players at the local, state and federal level, influencing not only the privatization of existing facilities and the construction of new ones, but criminal justice and sentencing policies as well.

In the process, the for-profit private prison corporations and their allies have developed and made a number of arguments in support of their position. In order to understand why elected and appointed officials have in many cases supported for-profit private prisons, it is necessary to analyze and understand these arguments.

## Appendix D

### Case Study: Youngstown

This appendix is comprised of learnings from the experience in Youngstown, Ohio, where Corrections Corporation of America (CCA) built a 1,500 bed prison in 1995 and closed it in 2001. The problems raised here are assumed to be either representative of other private prisons or, at least, representative of potential situations for other institutions.

#### 1. Private prison staffing patterns and their ramifications include

- a. low staff-to-offender ratio,
- b. inadequate training,
- c. safety issues,
- d. transportation,
- e. escapes,

##### *Narrative Explanation*

Since profit is defined as revenue exceeding expenses, and since, by contract, the revenue portion of each private prison's budget is limited to a per prisoner/per day amount, the way to assure profit is to limit expenses. The largest expense is staff and that is the most reasonable place to look for the cost savings that will result in profit. The most obvious way to evaluate staff levels is to compare the staff-to-prisoner ratio. These figures are considered proprietary information by private prisons. Sometimes the explanation is that such information, made public, is a security risk. Nevertheless, smaller staff, both administrative and correctional, contributes to safety concerns.

The experience in Youngstown, Ohio, included the recruitment and swift training of the majority of correctional officers who would have direct contact with the prisoners. These people had varying levels of education before applying for jobs at the Northeast Ohio Correctional Center (NOCC). While top-level administrators who were CCA employees moved to Youngstown to start the prison, the vast majority of correctional officers were totally inexperienced in prison work. These people received four weeks of training at a time when Ohio state correctional officers were completing six weeks before actually handling prisoners. This 33 percent savings on training costs for CCA had ramifications that were not rectified for three years.

During the first six months of operation, the NOCC filled to more than 1,500 prisoners. There were numerous assaults among the prisoners and the local newspaper reported that 400 hand-fashioned weapons were removed from prisoners during that time. By the time the prison had been open for twelve months, two prisoners were

dead and thirteen crimes of assault had been charged by local police. In July 1998, six prisoners (five serving time for murder) escaped through the fence one afternoon while correctional officers were not looking. The city was thrown into a panic and people didn't feel safe in their homes.

Ironically, once public pressure forced Corrections Corporation of America to bring the prison closer to generally accepted standards, there was no longer enough profit to be made for the company and it was closed. It is still standing empty today.

#### 2. Decrease in already inadequate level of mental and physical health care.

##### *Narrative Explanation*

The anecdotal information from the Youngstown experience (there was no access to statistical information) is that prisoners were denied necessary care for chronic conditions such as diabetes, high blood pressure and long term effects of injuries, such as nerve and muscle damage and other maladies. The prison hired a physician and only through that system does a prisoner have access to specialists or further treatment. Since the medical care of the prisoners is included in the per day rate of reimbursement, there is a strong incentive against providing physical or mental health services. For-profit private prisons, as private rather than public institutions, have the right to turn clergy away, if they so choose, even if a prisoner has requested their presence, since prisoners have no legal right to be visited.

#### 3. Lack of accountability of private prisons to citizens, governments, offenders, and their families.

- a. access to information on types of offenses and security classifications of those incarcerated in the facility,
- b. public health issues,
- c. vendor contracts,

##### *Narrative Explanation*

Not only was no information made available to citizens or local law enforcement, it was later learned that NOCC received prisoners with no classification or medical information. As the classification debacle became public, the unresolved discrepancies between the classification standards of the District of Columbia (D.C.) (the incarcerating authority), CCA (the contractor), and the Ohio Department of Corrections (the system familiar to law enforcement and judges in the Youngstown area) became apparent. These issues should have been resolved before prisoners were transferred, but the profit motive

did not support that investment of time.

In Youngstown, the city health commissioner was denied access twice to the kitchen for a routine inspection during construction. His intent was to follow city procedures about inspecting for kitchen safety and sanitary conditions. Additionally, the commissioner was denied information about the numbers of prisoners with HIV/AIDS and tuberculosis.

Private prisons often assign food service, telephone service, transportation, medical care, and educational functions to vendors. The needs of prisoners, their families, or the community are secondary to the profit motive. The food vendor at the Youngstown prison operated both the meal program for prisoners and the vending machines throughout the institution and the commissary. At other prisons, prisoners were able to have their lunch in the visitation room, but in Youngstown they had to rely on their visitors purchasing food from the vending machines. Remember that the visitors to the Youngstown prison traveled mostly from the D.C. area, about six hours, so that visits often extended over mealtimes.

**4. Private prisons are immune directly from change advocacy through the political process on issues of**

- a. prisoner placement,**
- b. costs of phone calls,**
- c. abuse by staff or other prisoners,**

**d. existence and effectiveness of rehabilitative programs through education, job training, drug and alcohol treatment, religious services, mental health services, community-based programs.**

Margaret Moore, then director of the Department of Corrections of the District of Columbia, responded to a concern about the distance between D.C. and Youngstown in relation to family visits by saying, “Convicts don’t get to choose where they serve their time.” While that is certainly the case in all systems of criminal justice, it is highly unlikely that DC prisoners would have been sent as far away as Youngstown if it had not been for lobbying by CCA and its allies. The ability of citizens to influence conditions of incarceration for the public good is a key element in operating a system that serves.

The point here is that in either a state or federal program elected government officials are ultimately responsible and that significant pressure can be brought to bear on them. A prisoner or the family member of the prisoner can take a complaint about any of these things to someone who has publicly committed him/herself to serving the citizens and who, of equal importance, needs to run for reelection. The break in this chain of accountability presents insurmountable barriers to effective advocacy either for a particular prisoner or for the prisoner population as a whole when it comes to improving access to rehabilitation.

# Appendix E

## Resources for Further Study

### 1. Organizations and Web Sites

- (a) Grassroots Leadership, a nonprofit organization headquartered in Charlotte, North Carolina, has done civil rights, community and labor organizing in the South since 1980. Since 1999, the members of this organization have been working to abolish for-profit private prisons. Their campaign activities include direct action organizing in a number of southern states and on college and university campuses nationally; an international corporate accountability campaign aimed at the for-profit private prison industry and its financial backers; a legal action and strategy project concerned with the legal issues raised by for-profit private prisons; and *Keeping Faith: A Religious Response to Private Prisons*, which organizes nationally within the faith community around the issue. Grassroots Leadership also provides staffing for the Public Safety and Justice Campaign, a national coalition effort to abolish for-profit private prisons. Grassroots Leadership's Web site includes current information on the issue. See, for example, their report *Education Versus Incarceration: A Mississippi Case Study*. [www.grassrootsleadership.org](http://www.grassrootsleadership.org)
- (b) Not With Our Money! is an international student campaign to end prison profiteering. Together with the youth-led Prison Moratorium Project, they initiated and coordinated the Sodexo Campaign, which persuaded the largest shareholder in Corrections Corporation of America, the world's largest for-profit private prison corporation, to divest. Not With Our Money! recently launched the Lehman Campaign, which calls on the largest financial underwriter of the private prison industry to sever its connections with private prison corporations. [www.notwithourmoney.org](http://www.notwithourmoney.org)
- (c) Good Jobs First, located in Washington, D.C., is a national resource center promoting effective and accountable state and local economic development policies. Good Jobs First serves citizens and policymakers with research, training, consulting and testimony. Their report *Jail Breaks: Economic Development Subsidies Given To Private Prisons* is available on their Web site. [www.goodjobsfirst.org](http://www.goodjobsfirst.org)
- (d) The National Institute on Money in State Politics is a nonpartisan, nonprofit organization that compiles campaign contribution information on every state-level candidate in the country. It serves as the only complete source for this data and makes its information available online. Their recent

report *A Contributing Influence: The Private-Prison Industry and Political Giving in the South*, is available on their web site. [www.followthemoney.org](http://www.followthemoney.org)

- (e) The Center for Policy Alternatives is the nation's leading nonpartisan progressive public policy and leadership development center serving state legislators, state policy organizations, and state grassroots leaders. Their recent publication *2002 Progressive Agenda: Policy Innovations for the States* includes one section titled *Privatizing Prisons* and another titled *Privatizing Public Services*. The report includes recommended legislative language. [www.stateaction.org](http://www.stateaction.org)

### 2. Books

- At present, there are only two books in print that deal extensively (but not exclusively) with for-profit private prisons. Both are essential readings for anyone trying to understand the issue, at least in part because they set it within a broader analysis of what's happening in the United States today related to prisons and criminal justice.
- Joseph T. Hallinan, *Going Up the River: Travels in a Prison Nation*, Random House, New York, 2001. Hallinan is a Pulitzer Prize-winning journalist, a former Nieman Fellow at Harvard University, and a staff writer for the *Wall Street Journal*.
- Joel Dyer, *The Perpetual Prisoner Machine: How America Profits from Crime*, Westview Press, Boulder, 2000. Dyer is a former editor of *Boulder Weekly* whose work has been featured in the *New York Times* and *Utne Reader*. He is the author of *Harvest of Rage: Why Oklahoma City Is Only the Beginning*.

In addition to these, there are several recent books that provide an excellent history and analysis of the context within which for-profit private prisons have emerged.

- Sasha Abramsky, *Hard Time Blues: How Politics Built A Prison Nation*, St. Martin's Press, New York, 2002. Abramsky has written for *The Atlantic Monthly*, *New York* magazine, *The Village Voice* and *Rolling Stone*. In 2000, he was awarded a Soros Media Fellowship.
- Marc Mauer, *Race To Incarcerate*, New Press, New York, 1999. Mauer is Deputy Director of The Sentencing Project in Washington, D.C., which arguably provides the best statistical analysis of prisons and prisoners today.
- Christian Parenti, *Lockdown America*, Verso, New York, 1999. While not dealing with for-profit private prisons specifically, Parenti's book looks at the interrelationships of prisons, the criminal justice and



military systems in the U.S. today from the point of view of the “prison-industrial complex.”

For an analysis of the closest historical parallel to today’s for-profit private prisons, the “convict lease system” of the 19th-century South, see:

- David M. Oshinsky, *“Worse Than Slavery”: Parchman Farm and the Ordeal of Jim Crow Justice*, Free Press, New York, 1996.
- Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*, Verso, New York, 1996.

## Forward to the Study/Action Guide

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In approving Overture 99-35 “On Opposing the Privatization of Prisons,” the 211th General Assembly (1999) calls on the church to oppose the privatization of prisons, to conduct further study of the issues involved, and to engage in prayer and advocacy.

In 1999, the Assembly took firm action to “oppose the privatization of prisons as an abdication of responsibility on the part of governments and an abhorrent way of making profit by punishing prisoners.” Further, the Assembly went on to “express grave concern at the trend to encourage construction of prisons, whether public or private, as a means of local ‘economic development.’” In response to the growing trend of privatization of prisons, the Assembly directed the Advisory Committee on Social Witness Policy (ACSWP) “to gather information about current policy debates, including those concerning ‘prison privatization,’ and examine areas of potential conflict of interest on the part of legislators.” The *Resolution Calling for the Abolition of For-Profit Private Prisons* is the result of the study.

The Study/Action Guide that follows is a further challenge to the whole church to consider prayerfully the issues surrounding the privatization of prisons and, in particular, “for-profit private prisons.” Harmon L. Wray, Nashville-based Executive Director of the National Association of Sentencing Advocates, affiliated with The Sentencing Project in Washington, DC, wrote the study guide. He has served as Executive Director of the Nashville-based office of Restorative Justice Ministries with the General Board of Global Ministries of The United Methodist Church. He is the author of *Restorative Justice: Moving Beyond Punishment* (2002) and since 1974 has taught “The Theology and Politics of Crime and Justice in America” at Vanderbilt University Divinity School. He is also a free-lance writer, speaker, and consultant on restorative justice and criminal justice issues, working with both faith-based and secular groups.

A small resolution team appointed by the ACSWP and chaired by Gwen Martin and Jack Terry met together as a group for worship, study and the development of the resolution for the Committee. The group met twice: November 15-18, 2001 and September 9, 2002. Along with the serving chairs, the resolution team included the following: Glen Dickson, Elsie Dursi, Hans Hallundbaek, Tami Hooker, Helena Lee, Gwen Martin (ACSWP), Joseph Nicholson, Jack Terry (ACSWP), Judith Wenzel, and Michael Wilson. ACSWP member Herb Meza served for a brief time in the initial planning. Consultants working with the ACSWP included Rowly Brucken followed by Robert Klouw, Office of Criminal Justice of the National Ministries Division, and Si Kahn, Executive Director of Grassroots Leadership, an organization designed to close for-profit private prisons, jails, and detention centers, who was the main editor/drafter as the project was brought to completion. Alice Broadwater, then coordinator, Advocacy Committee for Racial Ethnic Concerns (ACREC) and Leanne C. Browner, then Young Adult Intern, Advocacy Committee for Women’s Concerns (ACWC) also provided support.

People of faith and the congregations in which they serve must assess the needs of their community in light of the harsh realities of the incarceration response. The *Resolution Calling for the Abolition of For-Profit Private Prisons* presents a harsh reality for those who may not be accustomed to the now well-emerged situation in America’s prisons. To carefully study this resolution is to develop a new commitment to life around one’s everyday faith commitments and to expand one’s outreach into the cold steel corners of the prison system.

The challenge before the church is no less than breaking down the bars of injustice and proclaiming release to the captives. It is the justice demand.

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# ***Study Guide: Resolution Calling for the Abolition of For-Profit Private Prisons***

***Prepared by Harmon L. Wray***

## **Introduction to the Study**

### **PURPOSE**

The purpose of this study guide is to assist Presbyterians in understanding, struggling with, and acting on the Resolution Calling for the Abolition of For-Profit Private Prisons approved by the 215th General Assembly (2003). In the words of the resolution itself, it is intended “to educate, motivate, and activate Presbyterians to participate in the campaign to abolish for-profit private prisons.” (See Recommendation F. 8.)

### **NOTES TO STUDY LEADERS**

Issues of crime and punishment are often quite controversial, because they touch many people personally and can be highly emotional and volatile. The very mention of crimes and prisons can quickly surface feelings of shame, revenge, humiliation, disgrace, and guilt—in both crime victims and offenders. When the equally charged subject of money is brought into the mix—as in the topic of private, for-profit prisons—this can generate expressions of even stronger feelings and more intense conflict. Part of your job is to create a safe environment where people feel free to disagree with one another, express their feelings as well as their ideas, and listen and treat each other with respect even when there is tension or conflict.

At the same time, the particular issue of private, for-profit prisons is removed from many people’s experience, and it may be unfamiliar to many participants of this study. This means that another part of your job is to help make this issue real to the people in your group who may initially feel that it is not relevant to their lives. One way to do this might be to identify members of the congregation, or of the larger community, who have worked or lived in a prison environment, and invite them to become dialogue partners or to help lead a discussion during one of the sessions.

It is important that you become as familiar as possible with the resolution and other material before the study begins. Any advance reading or Internet research that you can do in preparation for the study will enhance your ability to be an effective discussion leader on this subject. It is highly recommended that you obtain and study carefully the Resolution on Restorative Justice, approved by the 214th General Assembly (2002), as an important background resource informing the church’s reasoning in the private prison resolution.

To order, call the Presbyterian Distribution Service (PDS) at 1-800-524-2612 and specify PDS order #OGA-02-050.

Nothing facilitates learning like diversity. Do what you can to ensure as diverse a group as possible, by race, gender, age, and social class. And do what you can to facilitate wide sharing within the group, especially on the part of those who are in the minority.

It is recommended that the room be arranged with seats in a circle, to facilitate maximum visibility and openness and a sense of equality within the group. If the total group is larger than 8 or 10 members, it would probably be helpful to break up into smaller groups for many of the discussions in the sessions that follow, and then have the groups come back together in time for them to report back to the larger group for more discussion. This gives more people a better chance to speak. Other rooms can be used, if available; if not, smaller circles of chairs can be arranged within the classroom.

This study guide assumes you will know at least a week in advance who will be the members of your study group. Make sure they all have copies of the resolution a week before the first session, so that they can begin preparing. It is very important to note, and to call participants’ attention to, the fact that in this study guide the readings and discussions are not organized in the same sequence as the resolution itself. They are reordered into a sequence designed to be more fitting to this study. The portion of the document to be focused upon each week is listed early on in each unit, and the focus readings for next time are listed near the end of the current unit. It is essential that participants commit to reading at least the focus material in the document before the week in which that particular section is to be discussed.

The “Questions for Discussion” offered for each session are intended as suggestions to you and to the group for how to think about the resolution as a whole, and how to utilize it for greater understanding and commitment. Use the ones that speak to you and to members of the group; do not worry about the others. Discuss as many of them as are helpful, and as you have time for, and don’t expect to cover them all.

### **MATERIALS**

Each participant will need a copy of the resolution, a Bible, and a writing instrument and some paper. You will also need enough index cards for everyone in the class to get one in the last session. You may wish to use a blackboard and chalk or a newsprint pad, easel, and magic marker during the sessions.

## SESSION ONE: Context: Incarceration Nation

SCRIPTURE (To be read aloud by individual participant(s).)

**When all the prisoners of the land are crushed underfoot, when human rights are perverted in the presence of the Most High, when one's case is subverted—does the Lord not see it?**

— *Lamentations 3:34-36*

**... Then they ... will answer, 'Lord, when was it that we saw you ... in prison, and did not take care of you?' Then he will answer them, 'Truly I tell you, just as you did not do it to one of the least of these, you did not do it to me.'**

— *Matthew 25: 44-45*

### PRAYER

*Dear God, we ask your presence with us in the form of your Holy Spirit as we seek to understand our church's stand against for-profit private prisons, and as we seek to discern your will for how we should respond to this reality within our society today. Amen.*

### INTRODUCTIONS

Ask the participants to introduce themselves, to share why they have chosen to take part in this study, and to share whether or not they or someone in their family have ever had an encounter with jail or prison. It is important not to pressure them to share details, but if anyone wishes to, it is fine to let them do so, as long as it is brief.

### READING FOCUS

1. Appendix B—Context and History II: Prisons and the Criminal Justice System (pp. 17-19)
2. Appendix C—Context and History III: The Rise of For-Profit Private Prisons (p. 20)
3. Resolution Calling for the Abolition of For-Profit Private Prisons (to “Therefore”) (pp. 1-2)

### QUESTIONS FOR DISCUSSION

In this session, we will explore the historical and social contexts of the private, for-profit prison industry, and then look at the first part of the resolution itself, to get a sense of where the church is coming from in addressing this phenomenon. Some of the following questions might help your group get started in considering the issues at stake.

1. Were you surprised by any of the facts and numbers in Appendix B?
2. In the mainstream of our national political and mass media culture, prisons are more likely to be considered a solution (to the problem of crime) than a problem. What does it mean to refer to the prison system in the United

States as “a critical problem,” which in the past two decades has become “a crisis of radical proportions”? Discuss your agreement or disagreement.

3. Why do you think there has been such a binge of incarceration during the same time crime rates have fallen so rapidly and steadily? (Hint: The crime rate figures do not include drug crimes, which have escalated as the War on Drugs has aggressively punished substance abuse rather than treating addiction as a sickness; it is these convictions which have driven the incarceration rate so high so fast.) Discuss whether you think this makes sense as a public policy? Are the results worth the investment? Is the War on Drugs humane? Is it fair?

4. Appendix B makes the argument about prison expansion that “If you build it, they will come.” Supply drives demand, or at least usage, rather than the other way around. Why would this be the case with respect to prison growth?

5. Appendix B also argues that the policy of using scarce government funds to punish people, with the destruction of families and communities that goes with that, has diminished the revenue available for education, health care, and other programs intended to help people. How do you feel about that—neutral, positive, or upset?

6. Turning now to Appendix C, the Convict Lease System, especially prominent in the Southern states, is cited as a forerunner of our contemporary private, for-profit prison industry, which has also been based in the South and most aggressive and successful in the South. Why do you think that both these movements have been so strong in this particular region? How do you respond to the following analysis?

**It is no accident that for-profit prison privatization has had its strongest impact in the states of the old Confederacy. These states have historically higher rates of crime, punishment by incarceration, and violence. They also tend to be “right-to-work” states, with weak labor movements. Since organized labor has been the principal force of effective opposition to private, for-profit prisons, it makes sense from the point of view of prison firms (most of which are based in the southern United States as well) to have targeted these states for growth.**

**Southern states also have an ugly history of racist oppression and exploitation of the labor of relatively powerless groups, especially people of color, and particularly African Americans. After all, private prisons are following in the footsteps of the notorious convict lease system which prevailed in the South for many decades after the Civil War. This means that within the white**



**economic and political power structure of the region there is already a historical predisposition to approve of the use of legal captivity, slave labor, and repression as means of social control over both persons of color and poor whites. The rise, within the last two decades, of prison privatization for profit thus reflects a number of well-entrenched Southern traditions. (H. Wray, "Dungeons for Dollars," Shalom Papers, 2001)**

7. Looking now at the first part of the Resolution itself, the 215th General Assembly (2003) reaffirms the church's previous social witness policies to make the case that "the ultimate goal of the criminal justice system should be 'restorative justice.'" It also argues that for those who are incarcerated, rehabilitation is "the ultimate goal of the prison system," and that the profit motive of the private prison industry is in "basic and fundamental conflict" with this. What is restorative justice, and what is rehabilitation? Insofar as you understand them, discuss how these concepts are incompatible with for-profit private imprisonment.

8. The resolution goes on to describe this as "a deep religious and ethical issue," and then makes a bold statement: "Even if for-profit private prisons could achieve significant cost savings to the taxpayer, which in fact they have not been able to do, they would still be morally unacceptable." Clearly, for the Presbyterian Church, this is not just an economic issue, but a moral and spiritual one. Do you agree? Explain.

9. We will take up the specific recommendations and actions called for by the church's resolution in a later session (number four).

#### **FOR NEXT SESSION ...**

##### Rationale

- A. Context and History: Biblical and Theological (p. 3)
- B. Analysis I: Arguments in Favor of For-Profit Private Prisons (pp. 4-5)
- C. Analysis II: The Arguments Against For-Profit Private Prisons (pp. 5-8)

##### **PRAYER** (Read in unison.)

*O God, we know that both the crime and the punishment in our world are signs of the brokenness and fallenness of your creation. We suspect that each of us, in your eyes, is both a victim and an offender, both sinned-against and sinning, as unwilling to forgive as to accept forgiveness. We are, indeed, as reluctant to accept your love as we are to love you with our whole hearts, souls, and minds, and our neighbors as ourselves. And we are certainly not inclined to see our enemy as our neighbor. Forgive us, O God, and help us somehow—in spite of everything we think we know—to see your image both in ourselves and in the enemies and the neighbors around us. Amen.*

## SESSION TWO: Theology and Practice

SCRIPTURE (To be read aloud by individual participant(s).)

**... If you forgive others their trespasses, your heavenly Father will also forgive you; but if you do not forgive others, neither will your Father forgive your trespasses.**

— *Matthew 6:14-15*

**Do not judge, so that you may not be judged. For with the judgment you make you will be judged, and the measure you give will be the measure you get.**

— *Matthew 7:1-2*

**Everyone then who hears these words of mine and acts on them will be like a wise man who built his house on rock. The rain fell, the floods came, and the winds blew and beat on that house, but it did not fall, because it had been founded on rock. And everyone who hears these words of mine and does not act on them will be like a foolish man who built his house on sand. The rain fell, and the floods came, and the wind blew and beat against that house, and it fell—and great was its fall!**

— *Matthew 7:24-27*

### PRAYER

*Loving God, once again we come before you in our struggle to comprehend your terrible judgment of our arrangements and systems for controlling people and their behavior. At the same time, we long for a glimpse of hope from you, hope for an alternative. Give us your vision of a better way to respond to the tragedy of violence and greed than to emulate it, we ask you from our heart. In the spirit of one who once gave his life to embody such a vision, Amen.*

### READING FOCUS:

#### Rationale

- A. Context and History: Biblical and Theological (p. 3)
- B. Analysis I: Arguments in Favor of For-Profit Private Prisons (pp. 4-5)
- C. Analysis II: The Arguments Against For-Profit Private Prisons (pp. 5-8)

### QUESTIONS FOR DISCUSSION

In this session, we will be exploring a theological rationale for this resolution and pro and con arguments about for-profit privatization of prisons. Use the following questions, if they are helpful, in guiding the discussion.

1. The biblical/theological rationale for this resolution includes scripture texts on the kingdom of God, love of

neighbor, Jesus' inaugural hometown sermon, his Sermon on the Mount, the parable of the Last Judgment, and Jesus' experience as convicted criminal—all as a way of bolstering and illustrating its focus on what we would call criminal justice issues. Discuss whether this represents cheap and easy "proof-texting" to prove a point, or a legitimate summary of the gospel rightly applied to the arena of crime and justice in our world today?

2. The rationale goes on to hold up "**our universal human sinfulness and the availability of God's grace to all**" to argue "**for redemption and against vengeance.**" It also calls for more attention to the breeding grounds of crime in poverty, drug abuse, and failing systems of education, day care, health care, housing, and employment. It holds up a vision of a better national community and speaks of the churches' responsibility not only for traditional prison ministry, but also for a "**ministry of challenging the root causes of crime**" and systems of neglect and oppression. Finally, it affirms the "**solidarity**" of Christians with those who are imprisoned.

### EXERCISE

The phrases printed in bold letters in number 2 above are controversial. In recent years it has been fashionable to divide the world into two separate groups—the good people (us) and the bad people (them), the neighbor and the enemy, the righteous and the sinners, the victim and the criminal, the deserving poor and the worthless poor. Vengeance is much more popular than redemption, and reacting to crime in a "tough" way is assumed to be effective and is more popular than addressing its root causes with a preventive purpose. Our tendency is always to feel empathy with and show solidarity for crime victims, and not those incarcerated for their crimes.

Invite individual class members to read aloud to the group each of the following stories and expressions of solidarity, following each reading with a brief discussion of two questions: (1) who are the "victims" and who are the "offenders" here?; and (2) where are the empathy and the solidarity here?

a. From testimony by two male prisoners to a Human Rights Watch tribunal:

**[When I was sent to prison,] I was just barely 18 years of age, about 90 pounds. I did nine years from March 1983 to November 1991. In that 9 years I was raped several times. I never told on anyone for it, but did ask the officer for protective custody. But I was just sent to another part of the prison. Then raped again. Sent to another part of the prison. Etc. This went on for 9 years. I didn't want to tell on the inmates who raped me because I didn't want to be killed. ... I came back to prison in 1993. In 1994 I was raped again. I attempted**

suicide... .The doctors here in the prison say “quote” major depression multiple neurotic symptoms, marked by excessive fear, unrelenting worry and debilitating anxiety. Antisocial suicidal ideation, self-degradation, paranoia and hopelessness are characteristic, “unquote.” (R. H., Utah, 9/10/96)

The guards just turn their backs. Their mentality is the tougher, colder, and more cruel and inhuman a place is, the less chance a person will return. This is not true. The more negative experiences a person goes through, the more he turns into a violent, cruel, mean, heartless individual, I know this to be a fact. (R. L., New York, 10/21/96)

b. From the collection, *Meditations*, testimony of Dorothy Day, co-founder of The Catholic Worker movement:

All through those weary first days in jail when I was in solitary confinement, the only thoughts that brought comfort to my soul were those lines in the Psalms that expressed the terror and misery of [humankind] suddenly stricken and abandoned. Solitude and hunger and weariness of spirit—these sharpened my perceptions so that I suffered not only my own sorrow but the sorrows of those about me. I was no longer myself. I was [humankind]. I was no longer a young girl, part of a radical movement seeking justice for those oppressed. I was the oppressed. I was that drug addict, screaming and tossing in her cell, beating her head against the wall. I was that shoplifter who for rebellion was sentenced to solitary. I was that woman who had killed her children, who had murdered her lover.

The blackness of hell was all about me. The sorrows of the world encompassed me. I was like one gone down into the pit. Hope had forsaken me. I was that mother whose child had been raped and slain. I was the mother who had borne the monster who had done it. I was even that monster, feeling in my own heart every abomination. (reprinted from *Union Square and Rome*)

c. From *Walls and Bars*, by Eugene Victor Debs, imprisoned Socialist Party leader and U.S. Presidential candidate in the early twentieth century:

While there is a lower class, I am in it;  
While there is a criminal element, I am of it;  
While there is a soul in prison, I am not free.

3. In rationale B, the resolution sets the debate over prison privatization within the historical and political context of the 1980s’ rise, under former President Ronald Reagan and former Prime Minister Margaret H. Thatcher, of an aggressive “free market” ideology in the United States and the United Kingdom. The debate can be characterized as a dispute over “the appropriate roles of

government (the public sector) and corporations (the private sector) in a democratic, capitalist economy and society.” The prison privatizers argued that

- (a) government has an “unfair monopoly” on incarceration, and those who disagree do not “believe in” [is there a theological issue here?] the free market;
- (b) since the public sector is “inherently inefficient and unaccountable,” and because of the competition of the free market, private corporations can run and own jails and prisons more cheaply than government and still make a profit;
- (c) since the private sector is more innovative and creative than stodgy old government bureaucracies, corporations can do a better job of managing prisons and jails; and
- (d) because of the major crime wave, and the public’s demands to be “tough on crime” and—at the same time—to cut taxes, the politicians must build more prisons, but do so in a way which avoids referenda on bond issues. This is something which private corporations can do for them, with private capital. This makes it possible for politicians to have it both ways—appearing tough on crime and meanwhile concealing from the taxpayers the fiscal consequences of their decisions to outsource prison construction.

Do these arguments for prison privatization make sense—separately or together? What assumptions are being made here and how is language being used here by the privatization advocates?

4. In rationale C, the focus turns to arguments against for-profit privatization of prisons. The resolution first tackles head-on the basic argument that the range of functions open to the profit motive and the free market should be unlimited. The church here makes a fundamentally moral argument that the functions of courts and incarceration should not be turned over to the private sector, due to the seriousness of these activities and the inevitable conflicts of interest at work when the profit motive is operative there. This assumes a point of view which is suspicious of the extent to which human nature is susceptible to corruption based on the desire for material benefits. Discuss whether this is a fair assumption? Is it true to the biblical and the Reformed traditions?

5. Rationale C goes on to refute the other arguments in favor of private prisons, citing studies to show that due to uncounted costs (e.g., public subsidies to corporations), private is not cheaper; and that it is not better, due to the fact that in order to cut costs and build profit, operators must cut services to prisoners, employees’ wages and benefits, and the number of staff—all of which severely diminish the quality of the correctional environment. Are

these arguments persuasive to you, or not? How does it fit with what you have observed in other arenas of government and business operations on the local, the state, or the national level?

6. Rationale C gives a number of case studies and illustrations in its response to the fourth argument in Rationale B—one made by privatization proponents to politicians: “We can help you stay in office.” Most of these points recount the usual, less than wholesome methods of how political power operates—trade associations, campaign contributions (known by some as bribes), lobbying campaigns, underhanded games in the legislative arena, and the revolving door between public and private sectors. Do you think that it is any different on the other side, where major national unions, with many government prison guards as members, also give campaign contributions and do lobbying campaigns on this issue?

7. In some ways, the gist of Rationale C can be captured by the following two quotations:

**The myth of prison privatization is that the government identifies a need for a certain number of prison beds and then searches on the open market for the company that will give the best possible service at the lowest possible price. The truth, unfortunately, is just the opposite. For-profit private prison companies don’t care if their services are “needed” so long as they can find someone willing to pay. And they certainly aren’t interested in competitive bidding ... .**

**Finally, the industry fuels prison expansion by substituting private capital for public debt, effectively circumventing bond referenda and other processes designed to give voters a say in where their money goes.**

What do these statements say to you in terms of the character and behavior of our economic and political systems and “the powers that be” which control them? Is it an accurate description? How does the following quotation strike you?

**What do you mean by crime? [We] define a criminal on this continent to be a human being with predatory instincts without sufficient capital to start a corporation. (Howard Scott)**

#### FOR NEXT SESSION ...

1. Rationale D—Analysis III: The Presbyterian Church and For-Profit Private Prisons (pp. 8-13)
2. Appendix D—Case Study: Youngstown (pp. 21-22)

#### PRAYER (Read in unison.)

*O God of the sinners and the righteous, the good and the bad, the innocent and the guilty, the powerful and the powerless —We acknowledge our confusion and our sense of helplessness. We don’t know whether to be more disgusted by—and fearful of—crime, or of punishment. We confess that we sometimes feel stuck between our vision of a better world and a more loving and just society, on the one hand, and our realization of the overwhelming power of greed, violence, and corruption, on the other. Sometimes we don’t know what to do, and we don’t know how to keep going. We ask you to give us the gift of discernment in your wisdom, the gift of hope in your grace and power, and the courage to continue struggling with the powers of death in the faith that you hold us, the world, and history in your hands. Amen.*



## SESSION THREE: Church and Case Studies

### Church and Case Studies

SCRIPTURE (To be read aloud by individual participant(s).)

See, I am sending you out like sheep in the midst of wolves; so be wise as serpents and innocent as doves.

— Matthew 10:16

... Be strong in the Lord and in the strength of his power. Put on the whole armor of God, so that you may be able to stand against the wiles of the devil. For our struggle is not against enemies of blood and flesh, but against the rulers, against the authorities, against the cosmic powers of this present darkness, against the spiritual forces of evil in the heavenly places.

— Ephesians 6:10-12

### PRAYER

*Dear God, we are at the midpoint of our study, and we pray for you to help us pull it together. We want to be faithful to our church's position on this, but it is hard to go against our culture. Help us to know what is right and to decide how to work with what we are learning. Amen.*

### READING FOCUS

1. Rationale D—Analysis III: The Presbyterian Church and For-Profit Private Prisons (pp. 8-13)
2. Appendix D—Case Study: Youngstown (pp. 21-22)

### QUESTIONS FOR DISCUSSION

1. At this point in the study, what do you think of the following statement of the anti-privatization case?

**It stands to reason that if some people are making money on keeping other people locked up, then they will make more money if they can lock up more people, keep them locked up longer, and spend as little money as possible in personnel and program costs while they are locked up. The less they spend in such categories, the more likely the prisoners will be to return to lives of crime after they are released. In other words, privatization for profit, coupled with the immense political power wielded by corporate campaign contributors and lobbyists, means more prisons, longer sentences, more recidivist crime, and—in the long run—more of our tax dollars going to punish folks and to line the pockets of corporate chieftains, their investors, and their political cronies. This, of course, also means fewer tax dollars going to provide government services, treatment, and incentives to give low-income people a decent chance for a good and crime-free life. For society, it inevitably means more crime;**

**for private prison interests, it means more profits. There is something badly wrong with this picture. (H. Wray, 2/3/03 lecture, Nashville, TN)**

2. Rationale D, the resolution's analysis of for-profit private prisons in the light of church teaching, cites numerous resolutions going back to the early 1970s to demonstrate that the PC(USA) has taken a clear stand for the use of prison only as a last resort, a position based on its belief that "prisons contribute more to the perpetuation of crime than to its correction." This conviction that prisons are criminogenic (that they generate crime) and must be utilized as little as possible is contradicted by the inherent logic of the private prison industry, for which an ever-expanding population and ever-longer sentences, along with ever-growing recidivism (repeat crime), are the rosiest scenario possible. This issue seems to boil down to a stark question: Do you believe that our society uses prisons too little and should lock up more people, with longer sentences, to punish criminals? If so, it makes sense to support for-profit private prisons. Or do you believe that we already greatly overuse prisons, and that we should use alternatives to incarceration (e.g., victim restitution, community service, drug and alcohol treatment, anger management classes, job training) for many more offenders? If so, you should oppose prison privatization. Where do you stand on this very basic question?

3. Rationale D goes on to say that the church's commitment to work for the protection of the health, safety, and legal rights of offenders is also contradicted by the for-profit private prison industry. Studies are cited which indicate that private prisons have higher rates of violent incidents, a higher rate of staff turnover, and a lower ratio of staff to prisoners—all of which compromise the safety of prisoners and staff alike. Similarly, in private prisons rehabilitative programs, health care, and mental health treatment are often underfunded or altogether missing. An extensive litany of abuses and instances of egregious neglect on the part of the three largest for-profit prison corporations is given in this section of the resolution.

Former Corrections Corporation of America (CCA) prisoner Alex Friedmann of Tennessee, citing CCA's cost-cutting (he calls it "cutting corners") by rationing blankets and toilet paper for its prisoners, has written as follows:

**The issue of private vs. public isn't really about privatizing prisons. It's about privatizing prisoners. Prisoners, who have traditionally been the responsibility of state and federal governments, are being contracted out to the lowest corporate bidder. Convicts have become commodities. Private prisons aren't in business for the "public good," nor are they accountable to the taxpayers. They're in business to make money and are**

**accountable to their stockholders. Period. To them, that's the only bottom line that matters. (A. Friedmann, "Private Prisons—What's Really Going On?" Grassroots Leader, Summer, 2003)**

Elsewhere, Friedmann says this about private prison companies: "They essentially trade in souls, profiting off of people and their misery to make a buck." (J. Bleyer, "Jailbird's Song," Hebe, 1:1)

If you were a CCA, or Wackenhut, or Cornell stockholder, what would you say to Alex Friedmann, or to the many prisoners and family members whose tragic stories are cited in the "case studies" of the Big 3 companies profiled here?

4. Rationale D also argues that the Presbyterian commitment to "rehabilitation of prisoners and their reintegration into society" is a contradiction of and a threat to the very reason for being of the for-profit prison industry, whose mission is to warehouse prisoner commodities at a profit rather than rehabilitate or reintegrate them. Similarly, the PC(USA)'s insistence on "community responsibility and involvement" is inconsistent with the privates' cost-cutting strategies; their proprietary withholding of information from the public; and the separation of prisoners from their families through their frequent use of private prisoner transport and interstate transfers, especially to and from the companies' "spec" prisons, which often house prisoners from distant states.

5. Appendix D of the resolution uses a case study of the Youngstown, Ohio, prison debacle in 2000-2001—which received extensive media coverage—to illustrate many of the most serious problems with for-profit private prisons that have been identified throughout the resolution. Since it has been said that the devil is in the details (it has also been said that God is there too), it is instructive to examine this particular narrative to see how the general policies and practices of the for-profit prison industry can play out in a specific time and place. The key point here is made in the last paragraph of the discussion, and it is a point about what real accountability is in this arena. The conclusion is not flattering to the private sector.

## EXERCISE

Discuss the following hypothetical scenario in small groups and report back to the larger group what ideas the small groups came up with.

**Your town has a high unemployment rate, a skimpy tax base, and a hankering for new industry. A private prison company makes a proposal to build, on "spec," a new prison just outside town, to house minimum-security prisoners from wherever the corporation can find them, probably not from your state. They promise lots of new jobs, lots of new tax money, and lots of new money going to local merchants. It sounds like a deal too good to be true.**

**It is. Because you have recently participated in a study of private, for-profit prisons at church, and because you have a younger brother who is a prison guard and union member in another state, you know some things about prisons, private prison companies, and prison towns that most people don't know. For instance:**

- **Private prison companies sometimes lie about the security level of their prisoners to convince a community to buy into their project. Then, when escapes and violence inside a prison get bad, it's too late for the community.**
- **Prisoners' families often move into a prison community to be near their incarcerated loved ones. They tend to be very poor, especially with one parent locked up, and this means higher costs in social services.**
- **Most of the high-level jobs in a private prison tend to go to outsiders with the company who move into the community, not to longtime community residents.**
- **Correctional officers have very stressful jobs, and studies of prison communities show increased levels of domestic violence, alcoholism, drug addiction, divorce, and other negative outcomes.**
- **Many private prisons built on spec now stand empty, with no work force, unable to contract with a jurisdiction that needs that sort of bed space, at that sort of security level, in that place, with that company. So much for lots of good new jobs.**
- **Being a prison town breeds a certain kind of culture, not unlike a lot of military base towns. If you and others in the community are not prepared for that, it can be a startling and unwelcome shift in the tone and flavor of your community.**

So what do you do? What is the meaning of your faith and your church's position on prisons, and especially on for-profit private prisons, in a "real world" case like this? How do you educate, organize, and mobilize your neighbors to oppose this, before it's too late? Can the church, and its recent resolutions on Restorative Justice and Calling for the Abolition of For-Profit Private Prisons, be of any help? How can you encourage the people in your community to see the problems with this proposal? Do you have better alternatives for economic development to suggest for your community? What are some?

6. Now let us say that you live in a state or county which has prisons or jails that are run for profit by a private company, and you happen to be dissatisfied with how they are being managed. What recourse is open to you, realistically? A media campaign? Community organizing? Petitioning your elected representatives? Voting for reform candidates? Running for office yourself?

Litigation? All these tactics have been used successfully by reformers across the country where prisons and jails are public sector functions. But in a setting such as the one described here, the only effective recourse would be for you to buy up a controlling share of stock of the company running the prisons. How realistic is that? So, which are more accountable to the public and to the constitution—privates or publics?

**FOR NEXT SESSION ...**

1. Resolution Calling for the Abolition of For-Profit Private Prisons (pp. 1-2)
2. Conclusion: The Church's Call (p. 14)

**PRAYER** (Read in unison.)

*Dear God, as we move toward the last unit in this series, we ask that you give us strength to continue our study until we arrive at a clear understanding of what we are up against, and what we are participating in. Help us truly to be gentle as doves and wise as serpents as we begin to confront the powers and principalities in both the corporate and the government sectors—for the sake of those captives with whom we are called to be in solidarity. And in the name of Jesus the prisoner, Amen.*

## SESSION FOUR: So What? A Time to Engage the Powers

SCRIPTURE (To be read aloud by individual participant(s).)

When he came to Nazareth, where he had been brought up, he went to the synagogue on the Sabbath day, as was his custom. He stood up to read, and the scroll of the prophet Isaiah was given to him. He unrolled the scroll and found the place where it was written: "The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favor." And he rolled up the scroll, gave it back to the attendant, and sat down. The eyes of all in the synagogue were fixed on him. Then he began to say to them, "Today this scripture has been fulfilled in your hearing.

— Luke 4:16-21

Listen, my beloved brothers and sisters. Has not God chosen the poor in the world to be rich in faith and to be heirs of the kingdom that he has promised to those who love him? But you have dishonored the poor. Is it not the rich who oppress you? Is it not they who drag you into court?

— James 2:5-6

... Be doers of the word, and not merely hearers who deceive themselves. For if any are hearers of the word and not doers, they are like those who look at themselves in a mirror; for they look at themselves and, on going away, immediately forget what they were like. But those who look into the perfect law, the law of liberty, and persevere, being not hearers who forget but doers who act—they will be blessed in their doing.

— James 1:22-25

### PRAYER

*Almighty God, in this session you confront us with the hard question: What are we going to do about what we have learned in this study? Lord, we do not want to be confronted. It is uncomfortable. It is downright scary. We would rather abide in cheap grace, cherishing and enjoying our personal relationship with Jesus, but we have been reminded that the way we treat those who are suffering are really the way we treat Jesus. This is very disconcerting. Help us. Amen.*

### READING FOCUS

1. Resolution Calling for the Abolition of For-Profit Private Prisons (pp. 1-2)
2. Conclusion: The Church's Call (p. 14)

### QUESTIONS FOR DISCUSSION

1. In our second session, we looked at the first part of the resolution, focusing on the Presbyterian Church's commitment to restorative justice and to rehabilitation of those in prison, and highlighting the church's perspective that tying the profit motive to the incarceration of human beings is morally unacceptable, and would be so even if it were more cost-effective than public sector management of prisons. Now we have come to the "So what?" part of the resolution, or—in James' words, the part about becoming "doers of the word" as well as "hearers of the word". Why is it so important for the Presbyterian Church to act on this issue? Si Kahn, who directs Grassroots Leadership and served as a consultant in the preparation of this report, has this to say about the importance of this issue:

**Grassroots Leadership is in no way saying that the campaign to abolish for-profit private prisons is more important than any other prison, criminal justice or privatization issue. We are not claiming that this work is more critical or more deserving of support. But we are saying that for-profit private prisons must be aggressively fought at every step, every turn—and that, if we fail to do so, all other justice policy reform stands in jeopardy. (Grassroots Leadership 2002-2003 Annual Report)**

Why would Kahn believe this? What do you think? Discuss.

2. It is clear from the action steps outlined in this resolution that the General Assembly envisions a major campaign throughout the denomination, at all levels—from the individual church person and particular congregations, to the organizations carrying on the work of the church at the national level, to particular constituencies like ethnic minorities and women. Clearly the church wishes to use every resource at its disposal to abolish for-profit private prisons. Each organizational entity has its assigned task. The resolution recognizes that complete abolition is a long-range goal, so it identifies incremental steps that can be pursued as the larger struggle continues. There is a special focus on cutting off the blood supply of the private prison industry—capital—by targeting Lehman Brothers, the biggest supplier of private capital to the giants of the business. Presbyterian institutions of higher education as well as basic denominational structures are invited to join this effort in their own investment strategies. Discuss this approach? How likely is it to be effective? Is it fair? Do you support it? What will be your part in this campaign? What do you think is the role of your session in this struggle?

3. References are made in the resolution to the importance of ecumenical and interfaith collaboration in this campaign. This is quite possible, since several other



denominations have also shown considerable activity in fighting private prisons. The United Methodist Church, the Episcopal Church, the Catholic Bishops of the South have all addressed the issue in official ways, and national staff with the United Church of Christ, the Mennonite Central Committee, and the American Friends Service Committee also work on this issue. Do you know persons in these other church groups with whom you can discuss the idea of working together on a piece of this issue? How can you and your congregation network with others?

4. The experience of many activists working against private prisons has shown that broad coalitions have the best chance of stopping them. In Tennessee, for example, once in the 1980s and again in the 1990s, coalitions made up of prisoner families, prison guards' unions, prisoner rights activists, civil liberties groups, African American ministers' organizations, and United Methodist clergy were twice able to turn back politically powerful efforts by CCA and its political cronies to take over the entire state prison system. They found ways of working together on this issue, no matter how much they disagreed on other issues. The same has been true on the national level in the work of the Public Safety and Justice campaign, and elsewhere. As you survey your own community, can you identify individuals and groups identified with these constituencies and similar ones, with whom you might make common cause in the struggle against the private prison industry?

5. Reference is made in this resolution to the role of church-related universities and colleges in the campaign to abolish for-profit private prisons. Currently Robert F. Vagt, a former prison warden and the President of Davidson College in North Carolina, a PC(USA)-affiliated school, is a member of the Board of Directors of Cornell Corrections. How do you think the church, the college, the company, and Mr. Vagt should deal with this situation in light of the passage of this resolution by the General Assembly of the PC(USA)? This also raises a more general question: how might the church work to find the proper balance of support and accountability for its members who are in positions of power and influence in the criminal justice system, a system of which the church has historically been very critical on theological and ethical grounds?

6. Representative Ted Strickland of Ohio (a former prison psychologist) and Senator Russ Feingold of Wisconsin have similar bills in the two houses of Congress called the Public Safety Bills. They would prohibit federal prisoners from being placed in for-profit prisons and deny federal prison grants to states and municipalities that contract with private prison companies. The House bill is HR 1784, and the Senate bill is S 842. Are there ways that you can work with the Presbyterian Washington Office and other entities within the denomination to effectively support this legislation?

7. The church's Advisory Committee on Social Witness Policy (ACSWP) is charged with monitoring the various parts of the denomination's activities as mandated or recommended in this resolution, and to report back to General Assembly in 2006. Having participated in this study, what would you like to see the ACSWP be able to report to the 217th General Assembly? Realistically, what do you expect its report will say? Contact them using the information in the "Forward" to this study/action guide.

8. In the final section of this resolution, the 215th General Assembly (2003) confesses the church's "complicity in what our criminal justice system has become," and asks for God's forgiveness. Declaring that "for-profit private prisons are a moral evil," the resolution concludes as it had begun, with a call to a vision of restorative justice:

**The church must cry out in opposition to these exploitative, isolating, and unaccountable practices while joining with others in our midst that are proclaiming a vision where restorative not punitive justice allows us to more closely emulate God's justice and God's kingdom.**

How do you respond to these concluding words? Do they speak for you? Do you share in the sense of guilt, of complicity with evil, through your acquiescence in a criminal justice system built on vengeance and a prison industry built on greed? Are you moved, are you affected emotionally, spiritually, by these words and sentiments?

Analyze your feelings. Why do you respond as you do? Analyze the General Assembly's actions in approving this resolution. What do you think is going on? What, if anything, are you going to do about it?

#### EXERCISE

TO THE LEADER: As a conclusion to the series, distribute two index cards to everyone in the group and ask every person to write on one card three ideas for action on this issue:

1. a personal, individual act of witness that they are now committing to do;
2. a suggestion for what the session of your congregation might do to make a difference; and
3. a suggestion of an action that they would like to see done by the presbytery or some other large church or church-related entity—a college, a seminary, the Presbyterian Washington Office, Presbyterian Women, the Advocacy Committee for Racial Ethnic Concerns (ACREC), the Advocacy Committee for Women's Concerns (ACWC), etc.—which would make a difference on this issue.

Now, ask them to copy what they have written on the other index card.

Ask them to turn one card in to you, and to keep the other one. You are encouraged to develop a simple ritual closing which incorporates this exercise in such a way as to leave participants with a sense that they have done something concrete and made a commitment to take some action. Later, take the cards and study them for possible follow-up, perhaps jointly with other study leaders in your congregation, presbytery, etc.

**BE DOERS OF THE WORD, AND NOT  
HEARERS ONLY.**

**PRAYER** (Read in unison.)

*Lord God, we make these commitments to you, and we offer these suggestions to your church, for how we and it might respond faithfully and obediently to your call. We ask that you honor them, that your church honor them, and that we ourselves with the help of your Holy Spirit—honor them. We have made these commitments and offered these ideas for the sake of the more than two million captives of our prisons, for the sake of ourselves, and for the sake of our society. We pray in the name of the criminal and prisoner who is also your son and our brother and redeemer, Jesus. Amen.*





Advisory Committee  
On Social Witness Policy

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