

leave the Independent Counsel's office in August of this year to become dean of the law school and the school of public policy at Pepperdine. . . . Mr. Starr then abandoned his plan to assume his duties at Pepperdine as scheduled. President Davenport indicated that Pepperdine would give Mr. Starr "an open-ended time frame." These circumstances are apparently the basis for the words of *Washington Diary* columnist Margaret Carlson: "Starr is now beholden to Pepperdine to hold open a job, for which it is partly beholden to benefactor Scaife." Thus is the alleged conflict brought to the Court's attention by Mr. Mandanici. . . .

In the situation before the Court, Mr. Scaife, said to be a bitter opponent of President and Mrs. Clinton, especially with respect to Whitewater-related issues, has apparently helped to arrange and make possible the very career opportunities that Mr. Starr wants to pursue as soon as he completes his work as Independent Counsel. It appears that Mr. Starr may be involved in a third-party conflict of interest—that is, "the independent counsel . . . has an obligation to a non-client third party that could compromise the independent counsel's neutrality in a matter under investigation." . . .

Even if not true in fact, there is the inevitable appearance that Mr. Starr may consciously or subconsciously tailor his prosecutorial decisions to please his benefactor. . . . (End of quote by Judge Eisele.)

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Judge Moody recused immediately from the consideration of Mandanici II. . . . Judges Roy, Woods, and I have decided to recuse. We are friends of the Clintons, and they are the targets of the Independent Counsel. . . .

. . . I note parenthetically, too, that the district judges of the Eastern District who were foes of the Clintons during their Arkansas days are not recusing. Since recusal is up to each individual judge I will not presume to second-guess their decision; they apparently see a distinction in our respective situations.

This means, of course, that there is no majority of the judges of the Eastern District of Arkansas . . . to refer the Mandanici II complaint to counsel for investigation. . . .

Those of us who are recusing do not do so lightly. We do this realizing that this probably has the effect of killing the Mandanici II complaint without it having been considered on the merits. In fact, it is hard to escape the conclusion that our recusal may well confer de facto immunity on the Independent Counsel, with respect to ethical violation complaints.

*In fine*, I am filing this opinion because I think it is important for the complainant, the party complained against, the bench and bar, and the public to know that the issues raised by Mr. Mandanici have been extensively researched and debated by the judges of the Eastern District. Further it should be known that Judge Eisele has performed a separate critical analysis of these issues and he reaches conclusions that speak for themselves.

## Call for Federal investigation of Texas prison beatings

by Marianna Wertz

The release on Aug. 12 of a videotape of prisoners being beaten by prison guards at the Brazoria County Detention Center in Texas, has led to a growing political uproar, from the state of Missouri to Washington, D.C. The section of the Detention Center where the beatings occurred is leased to Capital Correctional Resource, Inc. (CCRI), a private prison company.

The videotape shows prisoners lying on the floor, being beaten with batons, prodded with stun guns, stepped on, kicked in the groin, and bitten by police dogs. The prison abuse was recorded during a disturbance 11 months ago, captured on video by a sheriff's officer for future use as a training video.

Upon seeing the video, Missouri Corrections Director Dora Schriro consulted with Missouri Gov. Mel Carnahan, and cancelled Missouri's contract with Texas. Four hundred and fifteen inmates were immediately put on buses to be brought back to Missouri from Brazoria County. Missouri political figures say that the state will also bring back the other 655 inmates still incarcerated in four other Texas jails.

### Missouri files suit

On Aug. 26, Missouri sued officials in Brazoria County, charging them with a cover-up. "County officials are continuing to perpetrate a cover-up, and it must be stopped," Missouri Attorney General Jay Nixon said after filing the lawsuit in county circuit court in Jefferson City, Missouri. "They have refused to turn over information, including inmate requests for medical attention, officer reports, and medical records, even though they are required to do so under the contract with the state of Missouri. We are asking the court to order them to turn this information over immediately to aid in the investigation."

Charles Quincy Troupe, a state representative from St. Louis, Missouri, has been investigating the brutality for nearly two years, and has repeatedly demanded an investigation. In an Aug. 27 interview with Marianna Wertz, he called for stronger Federal oversight of private prisons, to put a stop to these outrageous practices.

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## Interview: Charles Quincy Troupe

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**EIR:** I understand you became involved in this situation several years ago, when you heard from the prisoners that this brutality was going on.

**Troupe:** I think our first letter was in 1995. When they started sending the prisoners there, they were brutalizing the inmates' family members. They were attacking them verbally. When they came all the way to Texas, with family and friends driving 900 miles to go to Texas to visit their loved ones, they'd only give them 15 minutes to visit with them. They were belligerent and aggressive toward the families. The families initially started complaining because of the way *they* were treated.



**EIR:** Are these your constituents who are in these prisons?

**Troupe:** Yes, some of them are.

**EIR:** But the story actually just broke about two weeks ago, when the tape was discovered, is that right?

**Troupe:** Between the time that the families started complaining, and then the inmates started complaining and sending their horror stories, during that period, I sent letters to all of the elected officials in the state of Missouri: the legislature (House and Senate), the governor, Corrections. And then I did the same thing with the governor in Texas [George W. Bush].

**EIR:** Did you get any response?

**Troupe:** I got a response to a letter that was given to me by somebody other than the governor. The letter that I received, said that they had investigated and they found no cause.

**EIR:** They're still covering up today, aren't they?

**Troupe:** They're covering up even more today. They never gave me any information, and now they have refused to give any information to the state of Missouri.

**EIR:** I understand Missouri has sued Brazoria County.

**Troupe:** They sued them for the information, because they said they would not communicate with the state of Missouri anymore, that they would not provide any information or anything else relative to the inmates.

**EIR:** Are all of Missouri's inmates now out of Brazoria County?

**Troupe:** We have them all out of Brazoria County, but we still have them in CCRI facilities in Texas.

**EIR:** There is something like 5,500 out-of-state inmates in Texas in these privately run prisons?

**Troupe:** Yes. That's awesome. That's unbelievable.

**EIR:** So what is your strategy now?

**Troupe:** My strategy now is, number one, to try and organize a national effort to look at the Federal policy, to try and persuade the Clinton administration to initiate legislation that will provide some standards and provide some oversight for the private prisons. The cost of the oversight should have to be borne by the private prison companies themselves. I think, after this incident, they've proven that they cannot be trusted, and they have no credibility.

It's strictly a situation where they are interested in making money. They don't care about the inmates. They don't care about humanity. They don't care about the loved ones. All they want is the money. I think, ultimately, they want the inmates working in prison industries, making goods and services for their business at a slave-labor rate.

**EIR:** A good number of these private prison companies are run by former federal prison officials, who left the government to go into the private companies. Corrections Corp. of America, the largest private prison company, now employs J. Michael Quinlan, formerly head of the U.S. Bureau of Prisons under President George Bush.

**Troupe:** If that is the case, then it is horrifying to think that the United States would allow that kind of group to surface. This makes Watergate look like a sandbox.

**EIR:** We're talking about two different administrations. The Reagan-Bush administrations sent their people in to run the private prisons after Clinton came in.

**Troupe:** That's awful. All it does is just feed the suspicion, that all of the drugs and alcohol and the guns and the atmosphere that they've created in the urban areas, over the last 15 years, is all designed to end up with a continuous string of inmates to fill these private prisons, so they can produce cheap goods and compete with the Philippines, Japan, China, Mexico, for cheap labor. I would have to say that that would have to be a conspiracy between the government, business, and the counties, or the people that allow these private prisons to come in, and the states, to develop a new source of cheap labor, or slave labor, in the United States.

**EIR:** That's exactly what *EIR* has charged.

**Troupe:** The facts have borne that out right now.

**EIR:** If you add in the welfare-workfare recipients, you have a potential multimillion-man slave labor force being prepared in this country.

**Troupe:** One of the major complaints was the lack of food, the lack of health care, the lack of energy, the torturing of inmates when they complained. When the inmates made complaints that got through to the state of Missouri, and we inquired, then, the inmates were attacked in Texas, which indicates to me that somebody in Missouri was either inquiring or informing the correctional officials in Texas about what was going on. The reason I say that is, that I've never had an inmate write me a letter saying the Missouri officials checked with me and I discussed my grievances with them.

Another thing that I think was horrifying in Texas, and especially Brazoria County, it was reported that they had 250-400 grievances that were filed with the Texas facility management, and they never got to me in Missouri. So, our people's grievances were destroyed, or discarded, or not acted upon, which means that there is no way that I think any state, after this incident, could legally send people to private prisons without a guarantee of an ombudsman in those prisons, independently, to have total access to those prisons at any time, to see any inmate.

**EIR:** Have you launched an action with the Federal government?

**Troupe:** We have written a letter to [Attorney General] Janet Reno. She has not replied. In fact she hasn't even acknowledged that she received the letter. I have a subsequent letter that will be going to the National Governors Association, to the National Black Congressional Caucus, and the U.S. Senate and House, laying out what happened in Texas and laying out what I think the Federal government needs to do.

**EIR:** You're getting pretty good press coverage on this, I understand.

**Troupe:** Yes. We're getting national and international press coverage. The Human Rights Commission of the United Nations have involved themselves in it.

**EIR:** The United States looks pretty hypocritical coming down on China for its prison abuses when it has this going on.

**Troupe:** They're talking about slave labor in the Chinese prisons. It must have been so impressive to American businessmen, because that seems to be the ultimate goal of what's going on now, and it seems to be something that the United States has been planning for 15 or 20 years.

**EIR:** The United States has been doing it for 15 or 20 years or longer.

**Troupe:** We've had prisoners making license plates and furniture and all of that stuff in Missouri, for as long as I can remember.

**EIR:** Yes, prisons in this country are now making everything that can be made, and they're exporting it all over the world.

**Troupe:** I read the Charles Percy legislation, which provides—they don't have to ship it all over the world, they can ship it to the next state.

**EIR:** Yes, but since the Bush administration, it's been opened up not only to private prisons, but state prisons also are big into prison labor. Bush signed an Executive Order which went into effect in 1992, stipulating that public facilities, which are constructed and maintained using Federal money, may be sold to private investors to help raise money for state and local government coffers and make a profit for the investors. It's increasingly going on in every state. Virginia, for instance, started two years ago using state prisons for manufacture of goods by private companies, which can be sold outside as long as it doesn't compete with free labor.

**Troupe:** How can it not compete?

**EIR:** As long as the total that the prisoner is paid—including what they deduct for his "room and board," victim restitution, family support—amounts to minimum wage, then it's said not to be competing. So, the prisoner ends up getting, at best, a dollar an hour, and the prison and company get the rest of it, and the goods get made. The last time there was a big move for this kind of thing in the United States was during the Great Depression. It only changed after the Depression when the labor movement got strong enough to stop it. That's exactly what has to happen today. As long as there isn't a strong labor movement, capable of putting an end to this kind of competition by cheap labor, in prisons and in workfare, you will have this kind of thing going on.

**Troupe:** What I'm trying to do now is create a family group, of families who have people in jail, to form an advocacy group for inmates, to start lobbying, raising money, and suing states and defeating elected officials who support these things. That's got to be the bottom line.

**EIR:** The bottom line will be when the LaRouche political movement has enough strength to be able to return the economy to a sound basis, so we don't have to turn to slave labor, and a humanitarian basis so that people aren't treated like slaves.

**Troupe:** That's going to have to come in through the United Nations. We're going to try and do that. But what's happened in Brazoria County is a total violation of all of the civil rights laws. Especially if they have people working at sub-standard wages and the state takes the money from them.

The state probably takes the money under the pretext that they're costing us money, so we're going to make them pay their debt to society, and business or the state benefits from that. That would probably be more acceptable to me, if all of the money went into juvenile prevention, education, and diversion programs, to make sure that at some point it would die, just by the virtue of nobody going to jail anymore.