

# State legislators battle to end prison privatization

by Marianna Wertz and Rochelle Ascher

The interviews, below, with Tennessee State Rep. Joe Towns and Missouri State Rep. Charles Quincy Troupe, reflect the intense battle that is now raging across the United States, to defeat the scourge of privatization of the penal system. Though privatization hasn't yet entirely taken over our prisons and jails, the growing threat has prompted honest legislators—those who still represent their constituents and not the monied interests behind the manifold privatization scams—to begin a real grassroots fight.

The facade of respectability surrounding the privatizers began to crack last August, when a videotape taken at the Brazoria County Detention Facility outside Houston, Texas, showing guards at a private prison beating prisoners, kicking them in the groin, and subjecting them to dog attacks, circulated nationwide (see *EIR*, Sept. 5, 1997). As Representative Troupe discusses, the fallout from that incident prompted the company, Capital Correctional Resources, Inc., to turn tail and run in January, completely abandoning its facility in Texas, after Troupe and other state legislators, from Oklahoma and Massachusetts, yanked their prisoner-victims out of CCRI's bloody hands.

*EIR* spoke on Feb. 23 with Brazoria County Judge Willey, who said the former CCRI facility, with 4-500 beds, is now being used to house county prisoners, though the county may seek another private company to take over in May, when the CCRI contract runs out.

One of the centers of the fight is Tennessee, home to the world's biggest prison privatization company, Corrections Corporation of America (see *EIR*, Dec. 12, 1997). CCA thought its home state, where it controls most of the legislative leadership, should have been an easy target. But that has not been the case. As *EIR* reported, the state's residents, particularly African-Americans, are up in arms in opposition to what they rightly view as a proposal to reinstate slavery in the state.

CCA's proposed plan to privatize all the state's prisons was smothered by opposition last year, when it was first brought before the Select Oversight Committee on Corrections in October. Today, as Representative Towns reports, rallies with hundreds of people are occurring repeatedly in the state, aimed at stopping a new version of that bill, which

would privatize 70% of the state's prisons.

Troupe is fighting privatization not only in Missouri, as he indicates in the interview, but nationwide. Last December, he put a proposal before the 21st Annual Legislative Caucus meeting of the National Black Caucus of State Legislators (NBCSL) in Milwaukee, demanding that all African-American elected officials act immediately to put a halt to this new form of slavery. He has circulated his draft legislation (see box) for adoption in the 44 states where there are Black Caucuses.

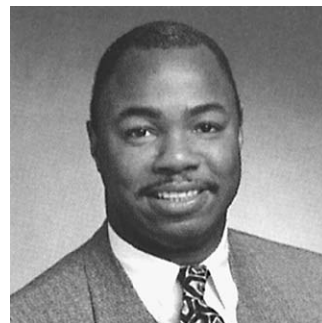
The Schiller Institute has been actively involved in aiding these efforts, and we invite other state legislators to join in the fight. For more information, the authors can be reached at (703) 771-8390.

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## Interview: Joseph Towns

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*Tennessee State Rep. Joe Towns (D-84—Memphis) was interviewed on Feb. 18 by Rochelle Ascher and Marianna Wertz.*



**EIR:** What is the current status of any legislation that's pending on the issue of prison privatization in Tennessee?

**Towns:** What has been presented is not actually a bill. We have been presented with a proposed document that embraces the characteristics of what the bill will look like. So, you don't have an official bill that has been filed. But you have meetings and discussions on the document, from which the bill should be drafted. It's kind of like "Catch 22."

**EIR:** Is that document something that would privatize all prisons in the state?

**Towns:** What it would do is privatize about 70% of the prisons in Tennessee. That 70% would exclude the people with AIDS, it would exclude your high-maintenance prisoners and so on. About 70% of the system would be privatized and it would exclude some other areas of the Tennessee penal system.

**EIR:** You've been leading a fight against this. You had a big meeting, I understand, last week, to drum up opposition to this privatization plan.

**Towns:** That is correct. We also had a major press conference against it at the state capitol yesterday—probably 300 people or more.

**EIR:** Tell us about it.

**Towns:** There were quite a few people who spoke. Rep. John Mark Windle [(D-Livingston)] spoke. Sen. [Speaker Pro Tem Robert] Rochelle spoke against it. I spoke. There were several other speakers. A lot of people, as well as myself, called it a private scam, referencing privatization. Nowhere in the community where we've gone and conversed with people, relative to this issue, have we found one person who is for privatization. That's black, that's white, that's Asian, that's the people of the community. Nobody seems to be for it. If you're the average Joe, the average citizen, which is me, no one is for it.

But if you're a business person, you may find something a little bit different. But I have not found any business persons to converse with me positively towards privatization, things of that nature, as well as how the savings have taken a drastic nose-dive, in terms of how they started off initially. It's gone from a projected savings of \$140 million down to \$25 million. But the Corrections Corporation of America has not indicated exactly where the savings are.

What the employees of the penal system stated is, that if the system would allow the employees to run the system, that they could save the money by not buying food, clothing, etc. For everything that they buy, they are paying double and triple the price to some of the friends of the people that are supporting this legislation. That's what was said by the state employees at the rally yesterday. They feel that the money that's spent in the Tennessee penal system could considerably be reduced, if the people that are in charge, the directors and so forth—if politics, in other words, were taken out of the operation of the penal system—if those persons could go and buy food and what they need, where they need to buy it, for the best price. They can't do that.

**EIR:** You're saying that, even though it isn't run by private companies, it still can't go to the lowest bidder?

**Towns:** That's exactly right.

**EIR:** And that's because of who controls the state government?

**Towns:** Right. They believe that what they're doing is taking care of their friends, by buying from their friends. That's what was told to me.

**EIR:** As I understand it, CCA is a real power in Tennessee, because that's where its headquarters is.

**Towns:** They're no power to me!

**EIR:** I understand some of their friends are coming down hard on you.

**Towns:** I'm the kind, when you push me, I push back. There are some people that may be a little irritated, but I'm nobody's whipping-boy. Everybody is equal here. I work for the people of District 84. They are my boss and I work for poor people and people that are underserved across the state. I'm not worried about anybody coming down on me, because they've got the right one, and I enjoy fighting.

**EIR:** The fact that you still have few private prisons in Tennessee indicates the people don't really want it.

**Towns:** We don't need it. It's actually going to exploit people and cost us more money. You're exploiting people and you're perpetuating human misery and suffering. There are no incentives for people to be gotten out of jail. In fact, that privatized penal system becomes a hotel room that I want to keep filled. If I'm the private owner of that place, I'm going to try to keep your butt in there as long as I can, because I'm getting paid for you. There are no incentives in the system at all.

Another thing is that it hurts the legitimate businesses. The cheap labor puts other businesses out of business. You're making furniture, and I have privatized prisons, and I have labor in there that we're paying 30¢ an hour for. I can put your butt out of business, because you can't compete with me. That's what slavery was founded on: cheap to no-cost labor. You're putting legitimate people out of business, instead of paying people \$8, \$10 an hour. How can you compete with that?

**EIR:** When I [Rochelle Ascher] attended the debate that occurred at the Black Caucus Legislative Retreat, the Tennessee State Employees Association, and a lot of the people in the room, who were employees of the Department of Corrections, raised several things to James Ball, who was there representing CCA. They raised that there was no guarantee of their jobs, that there was no guarantee of their pensions, that there was no guarantee of their retirement; and they cited the fact that CCA in particular, and these other privatized companies, tend to replace state workers with employees at lower pay, and if they do save money, it's by lowering the wages of the Department of Corrections personnel. Was this brought up at the rally yesterday? Were a lot of the people at the rally people who work for the state?

**Towns:** Most of the people attending the rally were state

employees. If you are a business person, your highest cost, after your capital equipment, is going to be your labor cost. It's a natural progression that they're going to downsize, lay off people, or reduce salaries, or fire people and bring in others at new salary caps. That's part of the reason for the pandemonium, because we know that that's one of the things that they're going to do.

You get a climate of welfare reform, but you're inducing people to go back on the welfare rolls. What I said in one of the meetings was that privatization of a penal system breeds crime itself. It breeds crime, because eventually those people that you're putting out of a job, they're going to get involved in something, in order to live, that may not altogether be legal.

**EIR:** You just mentioned this question of AIDS and so forth. From what I understand, CCA will not allow any AIDS prisoners into any of their prisons. I also understand they have a medical cap of \$3-4,000 a year. So the state ends up with all the prisoners who are extremely expensive. Is that what you were referring to when you said the 70%?

**Towns:** That's absolutely right. We call that cherry-picking. They want to cherry-pick the best, if you will, criminals, or the lowest-cost-to-maintain inmates, as well as just cherry-pick over the entire population of inmates. It's like a crazy man's deal. That's exactly what you would want to pass off, is that high liability. So they go in with an assurance of so much profit, but if you're going to save the people of the state of Tennessee some money, you would definitely want those type of prisoners to go. It's a unilateral deal that does not benefit anyone but the profiteers that are involved in the privatization of the system.

## Draft legislation

*The following draft, which is being circulated in 44 states by Missouri State Rep. Charles Quincy Troupe, is titled "An Act Relating to the Department of Corrections":*

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section 1. Notwithstanding any other law to the contrary, the department of corrections shall not be authorized to delegate, privatize or otherwise enter into a contract with a private entity for the operation of any office, bureau or division of the department without specific authority to do so by statute. . . .

Another thing is that those inmates who file a lawsuit, they're going to reject that liability as well. If I file a lawsuit on the privatized situation, they don't want that liability. They want the state to pick up that liability. So the state will be held accountable for something that they are doing that's wrong. As we know, CCA has a history of mistreating prisoners across the country.

The other thing that privatization does, is it jeopardizes the attorney-client privilege. A man is incarcerated. He goes into a privatized situation and he can actually be shipped anywhere within that privatized system, 200 miles away. What lawyer is going to defend him 200 miles away? That should be ruled unconstitutional, because he's entitled to due process. He has appeals that are still going on, all kinds of paperwork that is being filed in the locality where the alleged crime took place.

Then you also create a hardship on the families of the people that are incarcerated, because they have to travel to these places. They've gotten the schedule of their lives accustomed to going and seeing their children or fathers or mothers within a certain perimeter, and you disrupt that, which is not fair. You're penalizing people who aren't criminals. They're caught up in the system because of someone who's done something.

**EIR:** Do you expect the bill to actually come up in this session of the legislature?

**Towns:** I don't expect that sucker to rear its ugly head ever again. We're going to try to kill it, gut it.

**EIR:** What other plans do you have for mobilizing the population?

**Towns:** Town hall meetings across the state, keeping it on the minds of the people through the press; also, having more citizens to storm the capital about it. Things like that. Active protest.

**EIR:** Are you also fighting privatization on a broader level in the state, beyond the prisons?

**Towns:** In terms of charter schools, I am. I'm meeting this weekend with probably 500 or more people on charter schools. Charter schools are just a backdoor approach to privatization. These are two of the most controversial and sizzling issues in this administration at present. So, I'm definitely fighting those, because it's not right.

**EIR:** Has the Black Caucus taken a stand on this?

**Towns:** Individually, Black Caucus members are against it, the ones I've spoken with are diametrically opposed to it. I feel like the Black Caucus as a unit will come out, but as of yet, no.

**EIR:** At the retreat, I saw a wholesale explosion of the population.

**Towns:** The people are not for it, on this issue. Charter schools they're not for either, on both sides of the House.

**EIR:** There have been a lot of charges against CCA. As you mentioned, there have been lawsuits, charging brutality against prisoners. There's a major lawsuit against the CCA facility in Youngstown [Ohio]. Have spokesmen for CCA denied any of these charges?

**Towns:** No one has publicly denied any charges that have been leveled against CCA, to my knowledge, and I try to keep up pretty well. To my knowledge, no one from the company, no official representative, has denied any allegations relative to their abusing people or inmates, or relative to all the infractions that they have been alleged to have committed.

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## Interview: Charles Quincy Troupe

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*Missouri State Rep. Quincy Troupe (D-St. Louis), a 24-year veteran of the Missouri Legislative Black Caucus and chairman of the Social Service and Corrections Committees of the House Appropriations Committee, was interviewed on Feb. 20 by Marianna Wertz.*



**EIR:** What is the status of your bill to stop prison privatization?

**Troupe:** It's waiting on the Committee on Corrections. It's waiting for them to do the hearing. As soon as they schedule a hearing, then we're going to start looking at what's going on. The general attitude is that nobody wants prison privatization. It's just a matter of educating the people.

The big problem we have is that the prison privatization industry is so tied in to law enforcement, so tied in to the good ol' boys club—in other words, they are a part of that national, international network, and it's hard for local people to come out against it. When they come in, they come in with such weight and they come in on top. Either they come in through the governors or the speakers and the senators, and then the weight of that is usually so awesome that most legislators and many senators just don't rebel against it. Plus, they spend a lot of money, they buy up people. Like in Tennessee, they bought up everybody in Tennessee, all the leadership in the House is bought. You've seen signs of that happening all over the country.

But it's interesting that they closed down their operations in Texas.

**EIR:** That was my next question. Can you tell me what happened there?

**Troupe:** The only thing I can think that happened is that the publicity and all of the problems, the shortcomings of the operation in Texas hurt the whole privatization issue, so they had to serve somebody's head up for the program.

**EIR:** So, Capital Correctional Resources, Inc. (CCRI) pulled out of Texas and shut down all their private prisons last month?

**Troupe:** I think they pulled out by agreement, that somebody had to go, to make [Texas Gov. George W.] Bush look good. That's what I think it was. I think it was more of a show than anything else. I don't know if the county or the state bought those prisons and are now going to operate those prisons as publicly owned and operated prisons. If that is the case, then I see it as progress. If they are just going to create a subsidiary to CCRI to come in and operate those prisons, then I don't see that as being any progress.

**EIR:** Are your prisoners all back in Missouri?

**Troupe:** Yes. We made a decision that we'd rather have our prisoners in tents than to have them in Texas.

**EIR:** Will your bill be coming up this year?

**Troupe:** Oh yes, it should be coming up the latter part of this month. I'm looking at it kind of favorably. If I get it on the floor, I know I can pass it.

The other good thing is, we cut \$27 million out of appropriations for corrections and prisons and put it in social services. The governor took \$30 million out of social services and put it in corrections. I took \$27 million back out of corrections and put it back into social services, with a unanimous vote for 1998.

We are trying to slow down the expansion. We're trying to look at alternative sentences and we're trying to kill a \$125 million prison here in Missouri.

If we do that, that's going to be an awesome, awesome turn of events that might just shatter the governor's whole "economic development" program, which is rooted in building prisons in rural areas, to provide jobs for those communities, to stabilize those communities. The urban people are the ones that are occupying those prisons and it really borders on overt, gross racism.

**EIR:** It sounds like a prison police state.

**Troupe:** It is. But you know, even the white people are beginning to see it now. Rural white people are saying, we're creating a police state. They see it now. That's the beauty, and that's the salvation, in all of this, that they are beginning to see it. They benefit from it, but they see it. And now that they see it, the urge to do something about it is going to grow. I think you're going to see a lot of rebellion across the country with these legislatures.