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The prison--industrial complex

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[Headnote]
Correctional officials see danger in prison overcrowding. Others see opportunity. The nearly two million Am behind barsthe majority of them nonviolent offendersmean jobs for depressed regions and windfalls for pro

IN the hills east of Sacramento, California, Folsom State Prison stands beside a man-made lake, surrounde walls built by inmate laborers. The gun towers have peaked roofs and Gothic stonework that give the prisor appearance of a medieval fortress, ominous and forbidding. For more than a century Folsom and San Que end of the line in California's penal system; they were the state's only maximum-security penitentiaries. Du 1980s, as California's inmate population began to climb, Folsom became dangerously overcrowded. Fights inmates ended in stabbings six or seven times a week.

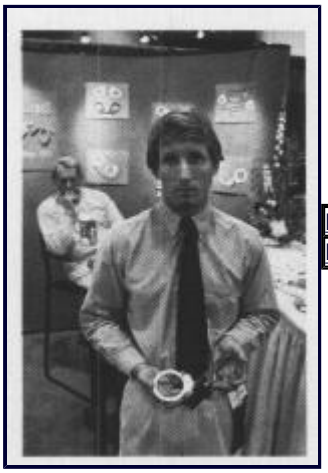
The poor sight lines within the old cellblocks put correctional officers at enormous risk. From 1984 to 1994 built eight new maximum-security (Level 4) facilities. The bullet holes in the ceilings of Folsom's cellblocks, warning shots, are the last traces of the prison's violent years. Today Folsom is a medium-security (Level 2 with the kind of inmates that correctional officers consider "soft." No one has been stabbed to death at Fols four years. Among its roughly 3,800 inmates are some 500 murderers, 250 child molesters, and an assortm rapists, armed robbers, drug dealers, burglars, and petty thieves. The cells in Housing Unit 1 are stacked fi high, like boxes in a vast warehouse; glimpses of hands and arms and faces, of flickering TV screens, are between the steel bars. Folsom now houses almost twice as many inmates as it was designed to hold. The shop at the prison, run by inmates, manufactures steel frames for double bunks-and triple bunks-in additior plates.

Less than a quarter mile from the old prison is the California State Prison at Sacramento, known as "New F which houses about 3,000 Level 4 inmates. They are the real hard cases: violent predators, gang members unable to "program" well at other facilities, unable to obey the rules. New Folsom does not have granite wa "death-wire electrified fence," set between two ordinary chain-link fences, that administers a lethal dose of the slightest touch. The architecture of New Folsom is stark and futuristic. The buildings have smooth gray facades, unadorned except for narrow slits for cell windows. Approximately a third of the inmates are servir sentences; more than a thousand have committed at least one murder, nearly 500 have committed armed nearly 200 have committed assault with a deadly weapon.

Inmates were placed in New Folsom while it was still under construction. The prison was badly overcrowde it was finished, in 1987. It has at times housed more than 300 inmates in its gymnasiums. New Folsom-like and like the rest of the California prison system-now operates at roughly double its intended capacity. Over twenty years the State of California has built twenty-one new prisons, added thousands of cells to existing increased its inmate population eightfold. Nonviolent offenders have been responsible for most of that incre

number of drug offenders imprisoned in the state today is more than twice the number of inmates who were for all crimes in 1978. California now has the biggest prison system in the Western industrialized world, a sy percent bigger than the Federal Bureau of Prisons. The state holds more inmates in its jails and prisons tha Great Britain, Germany, Japan, Singapore, and the Netherlands combined. The California Department of C predicts that at the current rate of expansion, barring a court order that forces a release of prisoners, it will r room eighteen months from now. Simply to remain at double capacity the state will need to open at least on a year, every year, for the foreseeable future.

Today the United States has approximately 1.8 million people behind bars: about 100,000 in federal custod in state custody, and 600,000 in local jails. Prisons hold inmates convicted of federal or state crimes; jails h awaiting trial or serving short sentences. The United States now imprisons more people than any other cou worldperhaps half a million more than Communist China. The American inmate population has grown so la difficult to comprehend: imagine the combined populations of Atlanta, St. Louis, Pittsburgh, Des Moines, ar behind bars. "We have embarked on a great social experiment," says Marc Mauer, the author of the upcom Race to Incarcerate. "No other society in human history has ever imprisoned so many of its own citizens fo of crime control." The prison boom in the United States is a recent phenomenon. Throughout the first three this century the nation's incarceration rate remained relatively stable, at about 110 prison inmates for every people. In the mid-1970s the rate began to climb, doubling in the 1980s and then again in the 1990s. The ra 445 per 100,000; among adult men it is about 1,100 per 100,000. During the past two decades roughly a th prisons and jails have been built in the United States. Nevertheless, America's prisons are more overcrowd when the building spree began, and the inmate population continues to increase by 50,000 to 80,000 peopl



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[Photograph]

The economist and legal scholar Michael K. Block, who believes that American sentencing policies are still enough, offers a straightforward explanation for why the United States has lately incarcerated so many peo are too many prisoners because there are too many criminals committing too many crimes." Indeed, the na now hold about 150,000 armed robbers, 125,000 murderers, and 100,000 sex offenders-enough violent cri populate a medium-sized city such as Cincinnati. Few would dispute the need to remove these people from level of violent crime in the United States, despite recent declines, still dwarfs that in Western Europe. But t of offenders being sent to prison each year for violent crimes has actually fallen during the prison boom. In half the people entering state prison were violent offenders; in 1995 less than a third had been convicted of crime. The enormous increase in America's inmate population can be explained in large part by the senten people who have committed nonviolent offenses. Crimes that in other countries would usually lead to comm service, fines, or drug treatmentor would not be considered crimes at all-in the United States now lead to a by far the most expensive form of punishment. "No matter what the question has been in American crimina the last generation," says Franklin E. Zimring, the director of the Earl Warren Legal Institute, "prison has be answer."

ON January 17, 1961, President Dwight D. Eisenhower used his farewell address to issue a warning, as th States continued its cold war with the Soviet Union. "In the councils of government," Eisenhower said, "we against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial com Eisenhower had grown concerned about this new threat to democracy during the 1960 campaign, when fea "missile gap" with the Soviet Union were whipped up by politicians, the press, and defense contractors hop increased military spending. Eisenhower knew that no missile gap existed and that fear of one might lead to unnecessary response. "The potential for the disastrous rise of misplaced power exists and will persist," Eis warned. "We should take nothing for granted."

Three decades after the war on crime began, the United States has developed a prison-industrial complex- bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regard actual need. The prison-industrial complex is not a conspiracy, guiding the nation's criminal-justice policy b doors. It is a confluence of special interests that has given prison construction in the United States a seemi unstoppable momentum. It is composed of politicians, both liberal and conservative, who have used the fea gain votes; impoverished rural areas where prisons have become a cornerstone of economic development; companies that regard the roughly $35 billion spent each year on corrections not as a burden on American as a lucrative market; and government officials whose fiefdoms have expanded along with the inmate popu 1991 the rate of violent crime in the United States has fallen by about 20 percent, while the number of peop or jail has risen by 50 percent. The prison boom has its own inexorable logic. Steven R. Donziger, a young headed the National Criminal Justice Commission in 1996, explains the thinking: "If crime is going up, then build more prisons; and if crime is going down, it's because we built more prisons-and building even more p therefore drive crime down even lower."

The raw material of the prison-industrial complex is its inmates: the poor, the homeless, and the mentally ill dealers, drug addicts, alcoholics, and a wide assortment of violent sociopaths. About 70 percent of the pris the United States are illiterate. Perhaps 200,000 of the country's inmates suffer from a serious mental illnes generation ago such people were handled primarily by the mental-health, not the criminal-justice, system. S percent of the American inmate population has a history of substance abuse. Meanwhile, the number of dru slots in American prisons has declined by more than half since 1993. Drug treatment is now available to jus of the inmates who need it. Among those arrested for violent crimes, the proportion who are African-Americ changed little over the past twenty years. Among those arrested for drug crimes, the proportion who are AfricanAmerican men has tripled. Although the prevalence of illegal drug use among white men is approxim same as that among black men, black men are five times as likely to be arrested for a drug offense. As a re half the inmates in the United States are African-American. One out of every fourteen black men is now in p One out of every four black men is likely to be imprisoned at some point during his lifetime. The number of sentenced to a year or more of prison has grown twelvefold since 1970. Of the 80,000 women now impriso percent are nonviolent offenders. About 75 percent have children.

The prison-industrial complex is not only a set of interest groups and institutions. It is also a state of mind. T money is corrupting the nation's criminal-justice system, replacing notions of public service with a drive for The eagerness of elected officials to pass "tough-oncrime" legislation-combined with their unwillingness to true costs of these laws-has encouraged all sorts of financial improprieties. The inner workings of the prison complex can be observed in the state of New York, where the prison boom started, transforming the econo entire region; in Texas and Tennessee, where private prison companies have thrived; and in California, wh correctional trends of the past two decades have converged and reached extremes. In the realm of psycho complex is an overreaction to some perceived threat. Eisenhower no doubt had that meaning in mind when farewell address, he urged the nation to resist "a recurring temptation to feel that some spectacular and cos could become the miraculous solution to all current difficulties."

THE LIBERAL LEGACY

THE origins of the prison-industrial complex can be dated to January of 1973. Senator Barry Goldwater had fear of crime to attract white middleclass voters a decade earlier, and Richard Nixon had revived the theme 1968 presidential campaign, but little that was concrete emerged from their demands for law and order. On Congress voted decisively in 1970 to eliminate almost all federal mandatory-minimum sentences for drug o Leading members of both political parties applauded the move. Mainstream opinion considered drug addict largely a public-health problem, not an issue for the criminal courts. The Federal Bureau of Prisons was pre close large penitentiaries in Georgia, Kansas, and Washington. From 1963 to 1972 the number of inmates had declined by more than a fourth, despite the state's growing population. The number of inmates in New fallen to its lowest level since at least 1950. Prisons were widely viewed as a barbaric and ineffective mean controlling deviant behavior. Then, on January 3, 1973, Nelson Rockefeller, the governor of New York, gav the State address demanding that every illegal-drug dealer be punished with a mandatory prison sentence parole.

Rockefeller was a liberal Republican who for a dozen years had governed New York with policies more clos resembling those of Franklin Delano Roosevelt than those of Ronald Reagan. He had been booed at the 19 Republican Convention by conservative delegates; he still harbored grand political ambitions; and Presider be ineligible for a third term in 1976. Rockefeller demonstrated his newfound commitment to law and order when he crushed the Attica prison uprising. By proposing the harshest drug laws in the United States, he to on an issue that would soon dominate the nation's political agenda. In his State of the State address Rocke not only that all drug dealers should be imprisoned for life but also that plea-bargaining should be forbidden cases and that even juvenile offenders should receive life sentences. The Rockefeller drug laws, enacted a later by the state legislature, were somewhat less draconian: the penalty for possessing four ounces of an i for selling two ounces, was a mandatory prison term of fifteen years to life. The legislation also included a p

established a mandatory prison sentence for many second felony convictions, regardless of the crime or its circumstances. Rockefeller proudly declared that his state had enacted "the toughest anti-drug program in Other states eventually followed New York's example, enacting strict mandatory-minimum sentences for dr A liberal Democrat, Speaker of the House Tip O'Neill, led the campaign to revive federal mandatory minimu were incorporated in the 1986 Anti-Drug Abuse Act. Nelson Rockefeller had set in motion a profound shift i sentencing policy, but he never had to deal with the consequences. Nineteen months after the passage of Rockefeller became Vice President of the United States.

When Mario Cuomo was first elected governor of New York, in 1982, he confronted some difficult choices. government was in a precarious fiscal condition, the inmate population had more than doubled since the pa Rockefeller drug laws, and the prison system had grown dangerously overcrowded. A week after Cuomo to inmates rioted at Sing Sing, an aging prison in Ossining. Cuomo was an old-fashioned liberal who opposed minimum drug sentences. But the national mood seemed to be calling for harsher drug laws, not sympathy addicts. President Reagan had just launched the War on Drugs; it was an inauspicious moment to buck the

Unable to repeal the Rockefeller drug laws, Cuomo decided to build more prisons. The rhetoric of the drug however, was proving more popular than the financial reality. In 1981 New York's voters had defeated a $5 bond issue for new prison construction. Cuomo searched for an alternate source of financing, and decided state's Urban Development Corporation to build prisons. The corporation was a public agency that had bee 1968 to build housing for the poor. Despite strong opposition from upstate Republicans, among others, it ha legislated into existence on the day of Martin Luther King Jr.'s funeral, to honor his legacy. The corporation attractive means of financing prison construction for one simple reason: it had the authority to issue state b gaining approval from the voters.

Over the next twelve years Mario Cuomo added more prison beds in New York than all the previous goverr state's history combined. Their total cost, including interest, would eventually reach about $7 billion. Cuomo Urban Development Corporation drew criticism from both liberals and conservatives. Robert Gangi, the hea Correctional Association of New York, argued that Cuomo was building altogether the wrong sort of housin The state comptroller, Edward V. Regan, a Republican, said that Cuomo was defying the wishes of the elec had voted not to spend money on prisons, and that his financing scheme was costly and improper. Bonds i Urban Development Corporation carried a higher rate of interest than the state's general-issue bonds.

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New prison construction, Franklin County, N.Y.

Legally the state's new prisons were owned by the Urban Development Corporation and leased to the Depa Corrections. In 1991, as New York struggled to emerge from a recession, Governor Cuomo "sold" Attica pr corporation for $200 million and used the money to fill gaps in the state budget. In order to buy the prison, t corporation had to issue more bonds. The entire transaction could eventually cost New York State about $7

The New York prison boom was a source of embarrassment for Mario Cuomo. At times he publicly called it immoral waste of scarce state monies, an obligation forced on him by the dictates of the law. But it was als political capital. Cuomo strongly opposed the death penalty, and building new prisons shielded him from Re charges of being soft on crime. In his 1987 State of the State address, having just been re-elected by a lan Cuomo boasted of having put nearly 10,000 "dangerous felons" behind bars. The inmate population of New prisons had indeed grown by roughly that number during his first term in office. But the proportion of offend incarcerated for violent crimes had fallen from 63 percent to 52 percent during those four years. In 1987 Ne sent almost a thousand fewer violent offenders to prison than it had in 1983. Despite having the "toughest a program" and one of the fastest-growing inmate populations in the nation, New York was hit hard by the cra of the 1980s and the violent crime that accompanied it. From 1983 to 1990 the state's inmate population al and yet during that same period the violent-crime rate rose 24 percent. Between the passage of the Rocke laws and the time Cuomo left office, in January of 1995, New York's inmate population increased almost fiv the state's prison system was more overcrowded than it had been when the prison boom began.

BY using an unorthodox means of financing prison construction, Mario Cuomo turned the Urban Developm Corporation into a rural development corporation that invested billions of dollars in upstate New York. Altho 80 percent of the state's inmates came from New York City and its suburbs, high real-estate prices and opp community groups made it difficult to build correctional facilities there. Cuomo needed somewhere to put hi prisons; he formed a close working relationship with the state senator Ronald B. Stafford, a conservative R whose rural, Adirondack district included six counties extending from Lake George to the Canadian border. there's an extra prison," a Cuomo appointee told Newsday in 1990, "Ron Stafford will take it."

Stafford had represented this district, known as the North Country, for more than two decades. Orphaned a had been adopted by a family in the upstate town of Dannemora. The main street of the town was dominat massive stone wall around Clinton, a notorious maximumsecurity prison. His adoptive father was a correcti Clinton, and Stafford spent much of his childhood within the prison's walls. He developed great respect for officers, and viewed their profession as an honorable one; he believed that prisons could give his district a boost. Towns in the North Country soon competed with one another to attract new prisons. The Republican controlled the state senate, and prison construction became part of the political give and take with the Cuo administration. Of the twentynine correctional facilities authorized during the Cuomo years, twenty-eight we upstate districts represented by Republican senators.

When most people think of New York, they picture Manhattan. In fact, two thirds of the state's counties are rural. Perhaps no other region in the United States has so wide a gulf between its urban and rural populatic the North Country-which includes the Adirondack State Park, one of the nation's largest wilderness areas-t

politically conservative, taciturn, fond of the outdoors, and white. New York City and the North Country have common. One thing they do share, however, is a high rate of poverty.

Twenty-five years ago the North Country had two prisons; now it has eighteen correctional facilities, and a under construction. They run the gamut from maximumsecurity prisons to drug-treatment centers and boot of the first new facilities to open was Ray Brook, a federal prison that occupies the former Olympic Village a Placid. Other prisons have opened in abandoned factories and sanatoriums. For the most part North Count tucked away, hidden by trees, nearly invisible amid the vastness and beauty of the Adirondacks. But they h profound change. Roughly one out of every twenty people in the North Country is a prisoner. The town of D now has more inmates than inhabitants.

The traditional anchors of the North Country economymining, logging, dairy farms, and manufacturing-have decline for years. Tourism flourishes in most towns during the summer months. According to Ram Chugh, t the Rural Services Institute at the State University of New York at Potsdam, the North Country's per capita long been about 40 percent lower than the state's average per capita income. The prison boom has provide infusion of state money to an economically depressed region-one of the largest direct investments the state made there. In addition to the more than $1.5 billion spent to build correctional facilities, the prisons now br Country about $425 million in annual payroll and operating expenditures. That represents an annual subsid region of more than $1,000 per person. The economic impact of the prisons extends beyond the wages the local services they buy. Prisons are labor-intensive institutions, offering yearround employment. They are re proof, usually expanding in size during hard times. And they are nonpolluting-an important consideration in where other forms of development are often blocked by environmentalists. Prisons have brought a stable, s to a region long accustomed to a highly seasonal, uncertain economy.

Anne Mackinnon, who grew up in the North Country and wrote about its recent emergence as New York's " Adirondack Life magazine, says the prison boom has had an enormous effect on the local culture. Just abo now seems to have at least one relative who works in corrections. Prison jobs have slowed the exodus fron towns, by allowing young people to remain in the area. The average salary of a correctional officer in New about $36,000-more than 50 percent higher than the typical salary in the North Country. The job brings hea and a pension. Working as a correctional officer is one of the few ways that men and women without colleg can enjoy a solid middle-class life there. Although prison jobs are stressful and dangerous, they are viewed of preserving local communities. So many North Country residents have become correctional officers over decade that those just starting out must work for years in prisons downstate, patiently waiting for a job oper the facilities in the Adirondacks.

WHILE many families in the north await the return of sons and daughters slowly earning seniority downstat New York City must endure the absence of loved ones who seem to have been not just imprisoned for thei exiled as well. Every Friday night about 800 people, mostly women and children, almost all of them African Latino, gather at Columbus Circle, in Manhattan, and board buses for the north. The buses leave through t arrive in time for visiting hours on Saturday. Operation Prison Gap, which runs the service, was founded by convict named Ray Simmons who had been imprisoned upstate and knew how hard it was for the families arrange visits. When the company started, in 1973, it carried passengers in a single van. Now it charters th and vans on a typical weekend and a larger number on special occasions, such as Father's Day and Thank Simmons's brother Tyrone, who heads the company, says that despite the rising inmate population, ridersh a bit over the past few years. The inconvenience and expense of the long bus trips take their toll. One custo however, has for fifteen years faithfully visited her son in Comstock every weekend. In 1996 she stopped a Columbus Circle; her son had been released. Six months later he was convicted of another violent crime a to the same prison. The woman, now in her seventies, still boards the 2:00 A.nz. bus for Comstock every w Simmons gives her a discount, charging her $15the same price she paid on her first trip, in 1983.

The Bare Hill Correctional Facility sits near the town of Malone, fifteen miles south of the Canadian border. Correctional Facility is a quarter of a mile down the road, and the future site of a new maximum-security pri door. Bare Hill is one of the "cookie cutter" mediumsecurity prisons that were built during the Cuomo admin state has built fourteen other prisons exactly like it-a form of penal mass production that saves a good deal Most of the inmates at Bare Hill are housed in dormitories, not cells. The dormitories were designed to hold inmates, each with his own small cubicle and bunk. In 1990, two years after the prison opened, doublebunk introduced as a "temporary" measure to ease the overcrowding in county jails, which were holding an overf inmates. Eight years later every dormitory at Bare Hill houses sixty inmates, a third of them doublebunked. percent of the inmates come from New York City or one of its suburbs, eight hours away; about 80 percent American or Latino. The low walls of the cubicles, which allow little privacy, are covered with family photogr religious postcards. Twentyfour hours a day a correctional officer sits alone at a desk on a platform that ove dorm.

The superintendent of Bare Hill, Peter J. Lacy, is genial and gray-haired, tall and dignified in his striped tie, blue blazer. His office feels light and cheery. Lacy began his career, in 1955, as a correctional officer at Da

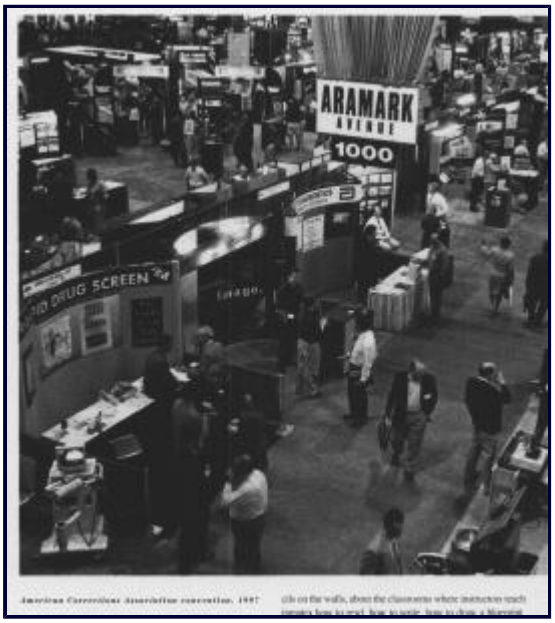
wore a uniform for twenty-five years, and in the 1980s headed a special unit that handled prison emergenci
He later served as an assistant commissioner of the New York Department of Corrections. One of his sons
lieutenant at a downstate prison. As Superintendent Lacy walks through the prison grounds, he seems like
surveying his ship, rightly proud of its upkeep, familiar with every detail. The lawns are neatly trimmed, the
well maintained, and the red-brick dorms would not seem out of place on a college campus, except for the
windows. There is nothing oppressive about the physical appearance of Bare Hill, about the ball fields with
the background, about the brightly colored murals and rustic stencils on the walls, about the classrooms wh
instructors teach inmates how to read, how to write, how to draw a blueprint, how to lay bricks, how to obta
Security card, how to deal with their anger. For many inmates Bare Hill is the neatest, cleanest, most well-c
they will ever live. As Lacy passes a group of inmates leaving their dorms for class, the inmates nod their h
acknowledgment, and a few of them say, "Hello, sir." And every so often a young inmate gives Lacy a look
hatred so pure and so palpable that it would burn Bare Hill to the ground, if only it could.

BIG BUSINESS

THE black-and-white photograph shows an inmate leaning out of a prison cell, scowling at the camera, his
hidden in the shadows. "HOW HE GOT IN IS YOUR BUSINESS," the ad copy begins. "HOW HE GETS OU
The photo is on the cover of a glossy brochure promoting AT&T's prison telephone service, which is called
Authority. BellSouth has a similar service, called MAX, advertised with a photo of a heavy steel chain dangl
telephone receiver in place of a cord. The ad promises "long distance service that lets inmates go only so f
the phone companies rely on clever copy in their ads, providing telephone service to prisons and jails has b
serious, highly profitable business. The nearly two million inmates in the United States are ideal customers:
are one of their few links to the outside world; most of their calls must be made collect; and they are in no p
switch long-distance carriers. A pay phone at a prison can generate as much as $15,000 a year-about five
revenue of a typical pay phone on the street. It is estimated that inmate calls generate a billion dollars or m
revenues each year. The business has become so lucrative that MCI installed its inmate phone service, Ma
Security, throughout the California prison system at no charge. As part of the deal it also offered the Califor
Department of Corrections a 32 percent share of all the revenues from inmates' phone calls. MCI Maximum
adds a $3.00 surcharge to every call. When free enterprise intersects with a captive market, abuses are bo
MCI Maximum Security and North American Intelecom have both been caught overcharging for calls made
in one state MCI was adding an additional minute to every call.

Since 1980 spending on corrections at the local, state, and federal levels has increased about fivefold. Wha
niche business for a handful of companies has become a multibillion-dollar industry with its own trade show
conventions, its own Web sites, mail-order catalogues, and direct-marketing campaigns. The prison-industr
now includes some of the nation's largest architecture and construction firms, Wall Street investment banks
prison bond issues and invest in private prisons, plumbingsupply companies, food-service companies, heal
companies, companies that sell everything from bullet-resistant security cameras to padded cells available
color selection." A directory called the Corrections Yellow Pages lists more than a thousand vendors. Amor
now being advertised for sale: a "violent prisoner chair," a sadomasochist's fantasy of belts and shackles at
metal frame, with special accessories for juveniles; B.O.S.S., a "body-orifice security scanner," essentially a
detector that an inmate must sit on; and a diverse line of razor wire, with trade names such as Maze, Super
Detainer Hook Barb, and Silent Swordsman Barbed Tape.

As the prison industry has grown, it has assumed many of the attributes long associated with the defense in
line between the public interest and private interests has blurred. In much the same way that retired admira
generals have long found employment with defense contractors, correctional officials are now leaving the p
for jobs with firms that supply the prison industry. These career opportunities did not exist a generation ago
Fundamental choices about public safety, employee training, and the denial of personal freedoms are incre
made with an eye to the bottom line.



[Photograph]
American Corrections Association convention, 1997

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One clear sign that corrections has become a big business as well as a form of government service is the e
a trade newspaper devoted to the latest trends in the prison and jail marketplace. Correctional Building Nev
become the Variety of the prison world, widely read by correctional officials, investors, and companies with
sell. Eli Gage, its publisher, founded the paper in 1994, after searching for a high-growth industry not yet se
own trade journal. Gage is neither a cheerleader for the industry nor an outspoken critic. He believes that d
declines in violent crime, national spending on corrections will continue to grow at an annual rate of five to
The number of young people in the prime demographic for committing crimes, ages fifteen to twenty-four, is
increase; and the demand for new juvenile-detention centers is already rising. Correctional Building News r
the leading companies that build prisons (Turner Construction, CRSS, Brown & Root) and the leading firms
them (DMJM, the DLR Group, and KMD Architects). It features a product of the month, a facility of the mon
section titled "People in the News." An advertisement in a recent issue promoted electrified fences with the
Touch!"

PRIVATE-prison companies are the most obvious, the most controversial, and the fastest-growing segmen
prison-industrial complex. The idea of private prisons was greeted with enthusiasm during the Reagan and
Administrations; it fit perfectly with a belief in small government and the privatization of public services. The
Administration, however, has done far more than its Republican predecessors to legitimize private prisons.

encouraged the Justice Department to place illegal aliens and minimum-security inmates in private correcti as part of a drive to reduce the federal work force. The rationale for private prisons is that government mon as old-fashioned departments of corrections are inherently wasteful and inefficient, and the private sector, t competition for contracts, can provide much better service at a much lower cost. The privatization of prison described as a "win-win" outcome. A privateprison company generally operates a facility for a government builds and operates its own facility. The nation's private prisons accepted their first inmates in the mid-198(least twenty-seven states make use of private prisons, and approximately 90,000 inmates are being held in for profit.

The living conditions in many of the nation's private prisons are unquestionably superior to conditions in ma facilities. At least forty-five state prison systems are now operating at or above their intended capacity. In tv states prisons are operating under court-ordered population caps. In fifteen states prison conditions are bei by the courts. Life in the aging, overcrowded prisons operated by many state agencies is dangerous and de Most of the 34,000 state inmates currently being held in the nation's jails for lack of available prison cells liv conditions that are even worse. Private prisons tend to be brandnew, rarely overcrowded, and less likely to offenders. Moreover, some private prisons offer programs, such as drug treatment and vocational training, of state systems have cut back. And yet something inherent in the idea of private prisons seems to invite al

The economics of the privateprison industry are in many respects similar to those of the lodging industry. A private prison is like a guest at a hotel-a guest whose bill is being paid and whose check-out date is set by else. A hotel has a strong economic incentive to book every available room and encourage every guest to s as possible. A private prison has exactly the same incentive. The labor costs constitute the bulk of operatin both kinds of accommodation. The higher the occupancy rate, the higher the profit margin. Although it migh unlikely that a private prison would ever try to keep an inmate longer than was necessary for justice to be s York State's experience with the "fee system" during the nineteenth century suggests that the temptation to to resist. Under the fee system local sheriffs charged inmates for their stay in jail. A 1902 report by the Corr Association of New York harshly criticized this system, warning that judges might be inclined to "sentence a where he may be a source of revenue to a friendly sheriff." Whenever the fee system was abolished in a N county, the inmate population dropped-by as much as half. Last year a Prudential Securities report on priva described some of the potential risks for the industry: a falling crime rate, shorter prison sentences, a move alternative sentences, and changes in the nation's drug laws. Nonetheless, the report concluded that "the i appears to have excellent prospects."

Private-prison companies can often build prisons faster and at lower cost than state agencies, owing to few bureaucratic delays and less red tape. And new prisons tend to be much less expensive to operate than the still used in many states. But most of the savings that private-prison companies offer are derived from the u nonunion workers. Labor represents 60 to 80 percent of the operating costs at a prison. Although private-pr companies are now moving into northern states and even signing agreements with some labor unions, the majority of privateprison cells are in southern and southwestern states hostile to unions. Correctional office private prisons usually earn lower wages than officers employed by state governments, while receiving few and no pension. Some private-prison companies offer their uniformed staff stock options as a retirement pla term value of the stock is uncertain. The sort of cost-cutting imposed on correctional officers does not exter managers and administrators. They usually earn much more than their counterparts in the public sector-a fa greatly increases the potential for conflicts of interest and official corruption.

BED BROKERS AND MAN-DAYS

LAST year a videotape of beatings at a private correctional facility in Texas provoked a great deal of contro tape showed correctional officers at the Brazoria County Detention Center kicking inmates who were lying shooting inmates with a stun gun, and ordering a police dog to attack them. The inmates had been convicte in Missouri, but were occupying rented cells in rural Texas. One of the correctional officers in the video had lost his job at a Texas state prison and served time on federal charges for beating an inmate. The Brazoria videotape received nationwide publicity and prompted Missouri to cancel its contract with Capital Correctio Resources, the private company operating the facility. But the beatings were unusual only because they we on tape. Incidents far more violent and surreal have become almost commonplace in the private prisons of private-prison system in Texas arose in response to the violence and disarray of the state system. In 1980 Texas state prisons were so bad that the federal judge William Wayne Justice ruled that they amounted to unusual punishment." He appointed a special overseer for the prison system and ordered the state to provi forty square feet of living space for each inmate. By the mid-1980s, however, conditions had grown even w prisons were more overcrowded; gang wars between inmates resulted in dozens of murders; and local jails crammed with the overflow of state inmates that a number of counties later sued the state for relief. In 198(Justice threatened the state with a fine of $800,000 a day unless it came up with a plan to ease the overcro prisons. While the Texas legislature scrambled to add new prison beds to the system, entrepreneurs sense could be made from housing state inmates in private facilities. Developers cut deals with sheriffs in impover counties, providing the capital to build brand-new jails, offering to run them, and promising to share the pro

run correctional facilities sprang up throughout rural Texas, much the way oil rigs were once raised by wildc
founders of one large private-prison developer, N-Group Securities, had previously sold condominiums anc
Houston disco. One critic quoted by the Houston Chronicle called the speculative new enterprises "Joe's Ba
and Prisons."

The private-prison building spree in Texas-backed by investors such as Allstate, Merrill Lynch, Shearson Le
American Express-soon faced an unanticipated problem. The State of Texas, under the auspices of a libera
governor, Ann Richards, began to carry out an ambitious prison-construction plan of its own in 1991, emplo
labor and adding almost 100,000 new beds in just a few years. In effect the state flooded the market. Privat
turned to "bed brokers" for help, hoping to recruit prisoners from out of state. By the mid-1990s thousands o
from across the United States were being transported from overcrowded prison systems to "rent-a-cell" fac
Texas towns. The distances involved in this huge migration at times made it reminiscent of the eighteenthc
transport schemes that shipped British convicts and debtors to Australia. In 1996 the Newton County Corre
Center, in Newton, Texas, operated by a company called the Bobby Ross Group, became the State of Haw
largest prison.

The private-prison industry usually charges its customers a daily rate for each inmate; the success or failur
prison is determined by the number of "man-days" it can generate. In a typical rent-a-cell arrangement a sta
surplus of inmates will contact a well-established bed broker, such as Dominion Management, of Edmond,
The broker will search for a facility with empty beds at the right price. The cost per man-day can range from
depending on the kind of facility and its level of occupancy. The more crowded a private prison becomes, th
charges for each additional inmate. Facilities with individual cells are more expensive than those with dorm
brokers earn a commission of $2.50 to $5.50 per man-day, depending on how tight the market for prison ce
time. The county-which does not operate the prison but simply gives it legal status-sometimes gets a fee of
$1.50 a night for each prisoner. When every bed is filled, the privateprison company, the bed broker, and th
do quite well.

The interstate commerce in prisoners, like many new industries, developed without much government regu
1996 the State of Texas encountered a number of unexpected legal problems. Its private prisons were hou
5,000 inmates from fourteen states. In August of that year two Oregon sex offenders escaped from a Houst
operated by the Corrections Corporation of America. The facility normally held illegal aliens, under contract
Immigration and Naturalization Service. Faced with empty beds, CCA had imported 240 sex offenders from
Texas officials had no idea that violent offenders from another state were being housed in this minimum-se
The escaped prisoners were eventually recapturedbut they could not be prosecuted for escaping, because
from a private prison was not a violation of any Texas state law. The following month a riot erupted at the F
Center, a private facility operated by the Dove Development Corporation, which housed about 300 inmates
and Missouri. The Texas Department of Criminal Justice had to send thirty of its officers in riot gear to rega
the prison. A month later two Utah prisoners, one of them a convicted murderer, escaped from the same fa
manhunt by state authorities failed to recapture them. Six other Utah inmates had previously escaped from
by Dove Development; three were murderers. Last year the Texas legislature passed a bill that made it illeg
offender from any state to escape from a private prison and that held the owners of such facilities responsib
public expense stemming from riots or escapes. Few other states have even attempted to pass legislation o
these issues.

The private companies that now transport thousands of inmates across the United States every day face ev
government oversight than private-prison companies. Indeed, federal regulations concerning the interstate
cattle are much stricter than those concerning the interstate shipment of prisoners. Sheriff's deputies and U
have traditionally been used to pick up inmates in one state and deliver them to another. During the late 19
companies began to offer the same service for about half the cost. The firms saved money by employing no
guards and making multiple pickups and deliveries on each trip. Prisoners today may spend as long as a m
road, visiting dozens of states, sitting for days in the backs of old station wagons and vans, locked up along
defendants awaiting trial and offenders on their way to prison. Driving one of these transport vehicles is a d
one that combines the stresses encountered by correctional officers with those of long-distance truckers. M
prisoners tend to view their days in transit as an excellent time to attempt an escape. The turnover rate am
transport guards and drivers is high; the pay is relatively low; and training for the job rarely lasts more than
result, violent criminals are frequently shipped from state to state in the custody of people who are ill equipp
with them. Local authorities often don't learn that inmates are passing through their towns until something g

In August of 1996 Rick Carter and Sue Smith, the husbandand-wife operators of R and S Prisoner Transpo
taking five murderers and a rapist from Iowa to New Mexico. At a public rest stop in the Texas Panhandle o
convicts assaulted Carter on the way to the men's room. The others overpowered his wife and seized the v
and Smith, who had set off unarmed, were taken hostage. A passing motorist dialed 911, and the six inmat
recaptured by Texas police officers after a chase. On July 30 of last year Dennis Patrick Glick-a convicted r
sentenced to two life terms, who was being transported from Utah to Arkansas-commandeered a van owne
Federal Extradition Agency, a private company. One of the guards had fallen asleep, and Glick borrowed h

took the guard and seven other inmates hostage in Ordway, Colorado; abandoned the van; took a local rar hostage; stole two more vehicles and a horse; eluded sixty law-enforcement officers through the night; and the next morning on horseback. In December of last year Homer D. Land, a prisoner being transported fron Florida, escaped from a van operated by TransCor America. The van had stopped at a Burger King in Owa Minnesota. While one guard went inside and bought eleven hamburgers, the other guard (who had been a America employee for less than a month) opened the van's back doors for ventilation, enabling Land and tv inmates to get away. Land took a married couple hostage and spent the night at their house in Owatonna b recaptured in Chicago. The same TransCor America van had been commandeered four days earlier by Wh Roylene, a prisoner traveling from New Mexico to Massachusetts and facing charges of murder and armed gas station in Sterling, Colorado, Roylene grabbed a shotgun from a sleeping guard. Officers from the Colo police and the local sheriff's department surrounded the van; the standoff ended, according to a local officia prisoners persuaded Roylene to hand over the gun.

THE Bobby Ross Group, based in Austin, Texas, has proved to be one of the more troubled private-prison The company's founder, Bobby Ross, was a sheriff in Texas and a successful bed broker before starting hi business, in 1993. He eventually set up operations at seven Texas facilities and one Georgia facility, signin accept inmates from states including Colorado, Hawaii, Montana, Missouri, Oklahoma, and Virginia. It did r for problems to begin. In January of 1996 nearly 500 Colorado inmates, many of them sex offenders, were a Bobby Ross facility in Karnes County, Texas; two later escaped, and a full day passed before state autho notified. At the Bobby Ross prison in Dickens County, Texas, fights broke out between inmates from Monta Hawaii that spring. A few months later a protest about the poor quality of food and medical care turned into the warden ordered guards to shoot live rounds. The warden was replaced.

Montana canceled its contract with the Bobby Ross Group in September of last year. Three Montana inmat escaped, and one had been killed by an inmate from Hawaii. Montana investigators found that many of the the Dickens County prison were going hungry and waiting days to see a doctor. "We really dislike losing a attorney representing Bobby Ross said to a reporter. In October an inspector for the Texas Commission on Standards gave the Dickens County prison the highest possible ratings. A month later the same inspector a that in addition to his official duties he worked as a "consultant" for the Bobby Ross Group, which paid him year. In December eleven inmates from Hawaii escaped from their dormitory at the Newton County facility Bobby Ross, released nearly 300 other inmates, and set fire to one of the buildings. In February of this yea rioted again at Newton and set fire to the prison commissary. In brighter days, before the riots and fires, Bo explained the usefulness of employing William Sessions, the former director of the Federal Bureau of Inves "special adviser" to the company. "He goes with us on sales calls to potential clients," Ross told a reporter f Colorado paper Westword. "That kind of thing."

The U. S. Corrections Corporation, for years the nation's third largest private-prison company, has encount difficulties even more serious than those of the Bobby Ross Group. In 1993 an investigation by the Louisvil CourierJournal discovered that the company was using unpaid prison labor in Kentucky. Inmates were beir perform a variety of jobs, including construction work on nine small buildings at the Lee County prison; cons on one church and renovation work on three others attended by company employees; renovation work on a employee's game-room business; painting and maintenance at a country club; and painting at a private sch by a prison warden's daughter. The Courier-Journal concluded that "U. S. Corrections has repeatedly profit from its misuse of inmate labor." Although the state Department of Corrections confirmed these findings, it against the company. A year later J. Clifford Todd, the chairman of U. S. Corrections, pleaded guilty to a fe of mail fraud, admitting that he had paid a total of roughly $200,000 to a county correctional official in Kentu for monthly payments, which for four years were laundered through a California company, the official sent i S. Corrections. Todd cooperated fully with an FBI investigation, but later became embittered when a federa denied his request for a term of house arrest. The head of the nation's third largest private-prison company sentenced to fifteen months in a federal prison. The nation's second largest private-prison company, Wack Corrections, has operated with a far greater degree of professionalism and discretion. Its parent company, Wackenhut Corporation, has for many years worked closely with the federal government, performing variou tasks such as guarding nuclear-weapons facilities and overseas embassies. Indeed, the company has long accused of operating as a front for the Central Intelligence Agency-an accusation that its founder, George V has vehemently denied. In the early 1950s Wackenhut quit the FBI, at the age of thirty-four, and formed a p security company with three other former FBI agents. He went on to assemble the nation's largest private c files on alleged "subversives," with dossiers on at least three million Americans. During the 1970s the Wacl Corporation diversified into strike-breaking and anti-terrorism. The company, headquartered in Palm Beach Florida, has branch offices in forty-two states and in more than fifty foreign countries. Its annual revenues e billion. George Wackenhut remains the chairman of the company, but the day-to-day operations are handle Richard. Over the years Wackenhut's board of directors has read like a Who's Who of national security, inc former head of the FBI, a former head of the Defense Intelligence Agency, a former CIA director, a former C director, a former head of the Secret Service, a former head of the Marine Corps, and a former Attorney Ge the company decided to enter the private-prison industry, it hired Norman Carlson, who had headed the Fe of Prisons.

Last year Wackenhut Corrections became the first private company ever hired by the Federal Bureau of Pr manage a large facility. The federal government's longstanding relationship with Wackenhut has developec equilibrium: one wields the power while the other reaps the financial rewards. Kathleen Hawk Sawyer, the d director of the Federal Bureau of Prisons, is responsible for the supervision of about 115,000 inmates, inclu lords, international terrorists, and organized-crime leaders. Her salary last year was $125,900. George C. Z chief executive officer of Wackenhut Corrections, is responsible for the supervision of about 25,000 state a inmates, mostly illegal aliens, low-level drug offenders, petty thieves, and parole violators. His salary last ye $366,000plus a bonus of $122,500, plus a stock-option grant of 20,000 shares. At least half a dozen other Wackenhut Corrections were paid more last year than the head of the Federal Bureau of Prisons.

The Corrections Corporation of America is the nation's largest private-prison company; it recently participat buyout of the U. S. Corrections Corporation, thereby obtaining several thousand additional inmates. CCA w 1983 by Thomas W. Beasley and Doctor R. Crants, Nashville businessmen with little previous experience i Beasley, a former chairman of the Tennessee Republi can Party, later told Inc. magazine his strategy for pı concept of private prisons: "You just sell it like you were selling cars, or real estate, or hamburgers." Beasle recruited a former director of the Virginia Department of Corrections to help run the company. In 1984 CCA first Texas inmates, before it had a completed facility in that state. The inmates were housed in rented mote number of them pushed the air-conditioning units out of the wall and escaped. A year later Beasley approa friend Lamar Alexander, the governor of Tennessee, with an extraordinary proposal: CCA would buy the st prison system for $250 million. Alexander supported the idea, saying, "We don't need to be afraid in Americ who want to make a profit." His wife, Honey, and the speaker of the Tennessee House, Ned McWherter, w CCA's early investors; between them the two had owned 1.5 percent of CCA's stock; they sold their shares perceived conflict of interest. Nevertheless, the CCA plan was blocked by the Democratic majority in the le

CCA expanded nationwide over the next decade, winning contracts to house more than 40,000 inmates an the sixth largest prison system in the United States; but it never lost the desire to take over all the prisons ir In order to achieve that goal, CCA executives established personal and financial links with figures in both p parties. During the spring of last year CCA's allies in the Tennessee legislature began once again to push f privatization. Crants said that letting CCA run the prisons would save the state up to $100 million a year; he specify how these dramatic savings would be achieved. George Zoley, the head of Wackenhut Corrections handing over the Tennessee prison system to a single company would simply turn a state monopoly into a Wackenhut employed the law firm of the former U. S. senator Howard Baker to lobby on its behalf, seeking the action.

By February of this year a compromise of sorts had emerged in Tennessee. New legislation proposed shifti as 70 percent of the state's inmate population to the private sector; CCA and Wackenhut would both get a for prison contracts. The new privatization bill seemed a sure thing. It was never put before the legislature f however. On April 20 CCA announced plans for a corporate restructuring so complex in its details that man analysts began to wonder about the company's financial health. The price of CCA stock-which in recent yea one of the nation's top performers-began to plummet, declining in value by 25 percent over the next severa annual CCA shareholders meeting, last May, Crants compared Wall Street investors to "wildebeests" stamp fear, and blamed the stock's plunge on a single broker who had sold 640,000 shares. Crants neglected to t shareholders a crucial bit of information: he himself had sold 200,000 shares of CCA stock just weeks befo announcement that sent its value tumbling. By selling his stock on March 2, Crants had avoided a loss of m million. When asked recently to explain his CCA financial dealings, Crants declined to comment. The timing of that stock transaction are likely to be of interest to the attorneys who have filed more than half a dozen la behalf of CCA shareholders.

[Photograph]

Enlarge 200%
Enlarge 400%

[Photograph]
Shift change, Clinton prison, Dannemora, N.Y.

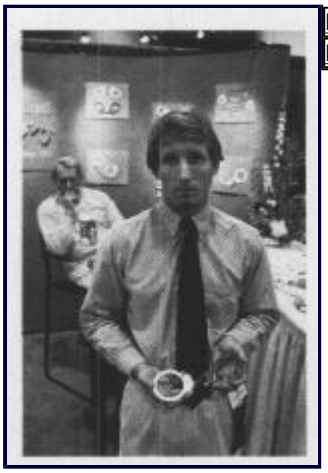
Although conservatives have long worried about the loss of American sovereignty to international agencies United Nations and the World Bank, the globalization of private-prison companies has thus far eluded critic private-prison company, Securicor, operates two facilities in Florida. Wackenhut Corrections is now under c operate Doncaster prison, in England; three prisons in Australia; and a prison in Scotland. It is actively seel contracts in South Africa. CCA has received a good deal of publicity lately, but few of the articles about it ha mentioned that the largest shareholder of America's largest private-prison company is Sodexho Alliance-a f conglomerate whose corporate headquarters are in Paris. THE MEGA-PRISON BOUT 200 inmates were ir at New Folsom when I visited not long ago. They were playing softball and handball, sitting on rocks, stand groups, smoking, laughing, jogging around the perimeter. Three unarmed correctional officers casually kep things, like elementary school teachers during recess. The yard was about 300 feet long and 250 feet wide dirt than grass, and it was hot, baking hot. The heat of the sun bounced off the gray concrete walls enclosir "These are the sensitive guys," a correctional officer told me, describing the men in Facility A. Most of them raped, committed armed robberies, or misbehaved at other prisons, but now they were trying to stay out of Some were former gang members; some were lifers because of a third strike; some were getting too old for violence; some were in protective custody because of their celebrity, their snitching, or their previous occup of the inmates on the yard were former police officers. As word spread that I was a journalist, groups of inm

me and politely approached, eager to talk. Lieutenant Billy Mayfield, New Folsom's press officer, graciously
distance, allowing the prisoners to speak freely. "I shouldn't be here" was a phrase I heard often, followed b
impassioned story about the unfairness of the system. I asked each inmate how many of the other men in t
deserved to be locked up in this prison, and the usual response was "These guys? Man, you wouldn't belie
these guys; at least two thirds of them should be here." Behind the need to blame others for their predicam
refusal to accept responsibility, behind all the denial, lay an enormous anger, one that seemed far more int
typical inmate complaints about the food or the behavior of certain officers. Shirtless, sweating, unshaven,
tattoos, one inmate after another described the rage that was growing inside New Folsom. The weights hac
away; no more conjugal visits for inmates who lacked a parole date; not enough help for the inmates who w
really crazy; not enough drug treatment, when the place was full of junkies; not enough to do-a list of grieva
magnified by the overcrowding into something that felt volatile, ready to go off with the slightest spark. As I
yard hearing the anger of the sensitive guys, the inmates in Facility C were locked in their cells, because of
related stabbing the previous week, and the inmates in Facility B were being shot with pepper spray to brea
The acting warden at New Folsom when I visited, a woman named Suzan Hubbard, began her career as a
officer at San Quentin nineteen years ago. Although she has a degree in social work from the University of
Berkeley, Hubbard says that her real education took place at the "college of San Quentin." She spent a dec
prison during one of its most violent and turbulent periods. In her years on the job two fellow staff members
murdered. Hubbard learned how to develop a firm but fair relationship with inmates, some of whom were or
She found that contrary to some expectations, women were well suited for work in a maximum-security pris
Communication skills were extremely important in such a charged environment; inmates often felt less thre
women, less likely to engage in a clash of egos. Hubbard was the deputy warden at New Folsom on Septe
1996, when fights broke out in the B yard. At nine o'clock in the morning she was standing beside her car ir
parking lot, and she heard three shots being fired somewhere inside New Folsom. Everyone in the parking
waiting for the sound of more gunfire. After more shots were fired, Hubbard hurried into the prison, made h
B yard, and found it in chaos. A group of Latino gang members had launched an attack on a group of Africa
gang members, catching them by surprise and stabbing them with homemade weapons. The fighting soon
other inmates in the exercise yard, who divided along racial lines. As many as 200 inmates were involved ir
Correctional officers instructed everyone in the yard to get down; they fired warning shots, rubber bullets, a
rounds. When Hubbard arrived at the yard, about a hundred inmates had dropped to the ground and anoth
were still fighting. The captain in charge of the unit stood among a group of inmates, telling them, "Sit down
we'll take care of this." Hubbard and the other officers circulated in the yard, calling prisoners by name, telli
get down. It took thirty minutes to quell the riot. Twelve correctional of ficers were injured while trying to sep
combatants. Six inmates were stabbed, and five were shot. Victor Hugo Flores, an inmate serving an eight
sentence for voluntary manslaughter and attempted murder, was killed by gunfire. Hubbard finds working ir
California penal system to be stressful but highly rewarding. She tries to defuse tensions by talking and liste
inmates on the yards. She and her officers routinely place themselves at great risk. Last year 2,583 staff m
assaulted by inmates in California. Thousands of the inmates are HIV-positive; thousands more carry hepa
Officers have lately become the target of a new form of assault by inmates, known as gassing. Being "gass
being struck by a cup or bag containing feces and urine. The California prison system, especially its Level 4
full of warring gangs-members of the Crips, the Bloods, the Fresno Bulldogs, the Aryan Brotherhood, the N
the Mexican Mafia, and the Black Guerrilla Family, to name a few. In addition to the organized violence, the
random acts of violence. On June 15 of last year a correctional officer was attacked by an inmate in the infi
Folsom. The officer, Linda Lowery, was savagely beaten and kicked, receiving severe head wounds. Her a
serving a four-year sentence for assaulting an officer.

California's correctional officers are not always the victims when violence occurs behind bars; in recent mo
have been linked to several widely publicized acts of brutality. At Pelican Bay State Prison at least one offic
with inmates to arrange assaults on convicted child molesters. At Corcoran State Prison officers allegedly s
"gladiator days," in which rival gang members were encouraged to fight, staff members placed bets on the
matches often ended with inmates being shot. As the FBI investigates alleged abuses at Corcoran and alle
official cover-up, correctional officers are feeling misrepresented and unfairly maligned by the mediaonly ac
tension in California's prisons. The level of violence in the California penal system is actually lower today th
decade ago. But the rate of assaults among inmates has gradually climbed since its low point, in 1991. Stu
linked doublebunking and prison overcrowding with higher rates of stress-induced mental disorders, higher
aggression, and higher rates of violence. In the state's Level 4 prisons almost every cell is now double-bun
that more bloodshed has not occurred is a testament to the high-tech design of the new prisons and the ski
ficers. Nevertheless, Cal Terhune, the director of the California Department of Corrections, worries about h
more stress the system can bear, and about how long it can go without another riot. "We're sitting on a very
situation," Terhune says. "Every time the phone rings here, I wonder. . ." THIRTY years ago California was
the liberalism of its criminal-justice system. In 1968 an inmate bill of rights was signed into law by Ronald R
the governor of California. More than any other state, California was dedicated to the rehabilitative ideal, to
that a prison could take a criminal and "cure" him, set him on the right path. California's prisons were notab
many educational and vocational programs and their group-therapy sessions. In those days every state in t
had a system of indeterminate prison sentences. The legislature set the maximum sentence for a crime, an
parole boards tried to make the punishment fit the individual. California's system was the most indeterminat
sentence for a given offense might be anything from probation to life. The broad range of potential sentenc
enormous power to the parole board, known as the Adult Authority; a prisoner's release depended on its ev

how well his "treatment" was proceeding. One person might serve ten months and another person ten year same crime. Although indeterminate sentencing had many flaws, one of its virtues was that it gave the state controlling the size of the prison population. If prisons grew too full, the parole board could release inmates longer seemed to pose a threat to public safety. Governor Reagan used the Adult Authority to reduce the s California's inmate population, giving thousands of prisoners an early release and closing one of the state's the mid-1970s, however, the Adult Authority had come under attack from an unusual coalition of liberals, pr conservative advocates of law and order. Liberals thought that the Adult Authority discriminated against mi making them serve longer sentences. Prisoners thought that it was unfair; after all, they were still in prison. Conservatives thought that it was too soft, allowing too many criminals back on the street too soon. And no much faith in the rehabilitative effects of prison. In 1971 seventeen inmates and seven staff members were California prisons. The following year thirty-five inmates and one staff member were killed.

California was one of the first states in the nation to get rid of indeterminate sentencing. The state's new law inmates to serve the sentence handed down by the judge, with an allowance for "good time," which might r prison term by half. The law also amended the section of the state's penal code that declared the ultimate g imprisonment: the word "rehabilitation" was replaced by the word "punishment." In 1976 the bill was endors signed into law by a liberal Democrat, Governor Jerry Brown. As liberalism gave way to demands for law ar California judges began to send a larger proportion of convicted felons to prison and to give longer sentenc inmate population started to grow. Sentencing decisions made at the county level, by local prosecutors and had a major impact on the state budget, which covered the costs of incarceration. Tax cuts mandated by Pr meant that county governments were strapped for funds and could not maintain local jails properly or pay fo based programs that administered alternative sentences. Offenders who might once have been sent to a lo halfway house were now sent to a state prison. California's criminal-justice system slowly but surely spun o The state legislature passed hundreds of bills that required tough new sentences, but did not adequately pr funding. Judges sent people to prison without giving any thought to where the state would house them. And Department of Corrections was left to handle the flood of new inmates, unable to choose how many it would how many it would let go. In 1977 the inmate population of California was 19,600. Today it is 159,000. After $5.2 billion on prison construction over the past fifteen years, California now has not only the largest but als overcrowded prison system in the United States. The state Department of Corrections estimates that it will spend an additional $6.1 billion on prisons over the next decade just to maintain the current level of overcro the state's jails are even more overcrowded than its prisons. In 1996 more than 325,000 inmates were relea from California jails in order to make room for offenders arrested for more-serious crimes. According to a re by the state's Little Hoover Commission, in. many counties offenders who are convicted of a crime and give of less than ninety days will not even be sent to jail. The state's backlog of arrest warrants now stands at ab million-the number of arrests that have not been made, the report says, largely because there's no room in According to one official estimate, counties will need to spend $2.4 billion over the next ten years to build m again, simply to maintain the current level of overcrowding. The extraordinary demand for new prison and ja California has diverted funds from other segments of the criminal-justice system, creating a vicious circle. T spend enough on relatively inexpensive sanctions, such as drug treatment and probation, has forced the st increase spending on prisons. Only a fifth of the felony convictions in California now lead to a prison senter remaining four fifths are usually punished with a jail sentence, a term of probation, or both. But the jails hav and the huge caseloads maintained by most probation officers often render probation meaningless. An idea about twenty-five to fifty offenders; some probation officers in California today have a caseload of 3,000 off than half the state's offenders on probation will most likely serve their entire term without ever meeting or ev with a probation officer. Indeed, the only obligation many offenders on probation must now fulfill is mailing a that gives their home address. California parole officers, too, are overwhelmed by their caseloads. The stat population is not only enormous but constantly changing. Last year California sent about 140,000 people to released about 132,000. On average, inmates spend two and a half years behind bars, and then serve a te three years on parole. During the 1970s each parole agent handled about forty-five parolees; today each a about twice that number. The money that the state has saved by not hiring enough new parole agents is ins compared with the expense of sending parole violators back to prison. About half the California prisoners re parole are illiterate. About 85 percent are substance abusers. Under the terms of their parole, they are subj periodic drug tests. But they are rarely offered any opportunity to get drug treatment. Of the approximately substance abusers in California's prisons, only 3,000 are receiving treatment behind bars. Only 8,000 are e kind of pre-release program to help them cope with life on the outside. Violent offenders, who need such pr of all, are usually ineligible for them. Roughly 124,000 inmates are simply released from prison each year in given nothing more than $200 and a bus ticket back to the county where they were convicted. At least 1,20 every year go from a secure housing unit at a Level 4 prison-an isolation unit, designed to hold the most vio dangerous inmates in the system-right onto the street. One day these predatory inmates are locked in their twenty-three hours at a time and fed all their meals through a slot in the door, and the next day they're out o riding a bus home.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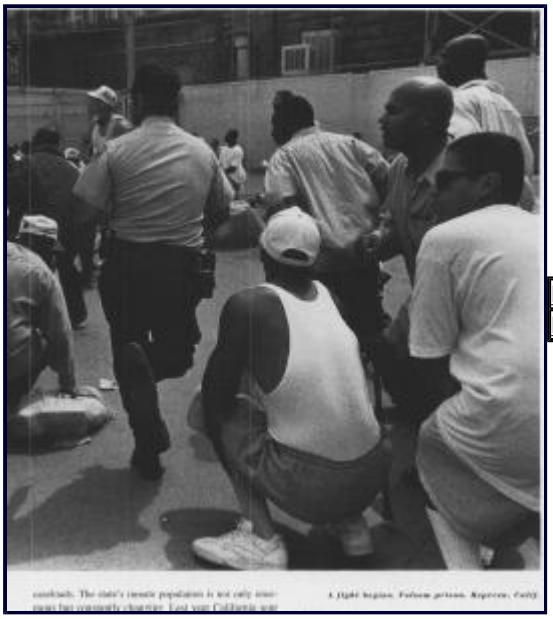
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A fight begins, Folsom prison, Represa, Calif.

Almost two thirds of the people sent to prison in California last year were parole violators. Of the roughly 8C violators returned to prison, about 60,000 had committed a technical violation, such as failing a drug test; a had committed a property or a drug crime; and about 3,000 had committed a violent crime, frequently a rob drugs. The gigantic prison system that California has built at such great expense has essentially become a door for poor, highly dysfunctional, and often illiterate drug abusers. They go in, they get out, they get sent every year there are more. The typical offender being sent to prison in California today has five prior felony THE California legislature has not authorized a new bond issue for prison construction since 1992, deadloc cost. Meanwhile, the state's "Three Strikes, You're Out" law has been steadily filling prison cells with long-t Don Novey, the head of the California Correctional Peace Officers Association (CCPOA), helped to gain pa law. He now worries that if California's prison system becomes much more overcrowded, a federal judge m large-scale release of inmates. Novey has proposed keeping some nonviolent offenders out of prison, allov give them suspended sentences and a term of probation instead. He has also advocated a way to save mo expanding the penal system: build "mega-prisons." California already builds and operates the biggest priso United States. A number of California prisons now hold more than 6,000 inmates-about six times the natior average. The mega-prisons proposed by the CCPOA would house up to 20,000 inmates. A few new mega- Novey says, could satisfy California's demand for new cells into the next century.

Correctional officials see prison overcrowding as grounds for worry about potential riots, bloodshed, and co others see opportunity. "It has become clear over the past several months," Doctor R. Crants said earlier th California is one of the most promising markets CCA has, with a burgeoning need for secure, cost-effective at all levels of government." In order to get a foothold in that market, CCA announced it would build three p California entirely on spec-that is, without any contract to fill them. "If you build it in the right place," a CCA

The Wall Street Journal, "the prisoners will come." Crants boasted to the Tennessean that California's priva industry will be dominated by "CCA alone." Executives at Wackenhut Corrections think otherwise. Wackenl houses almost 2,000 of California's minimum-security inmates at facilities in the state. The legislature has r adopted plans to house an additional 2,000 minimum-security inmates in private prisons. Wackenhut and C opened offices in Sacramento and hired expensive lobbyists. The CCPOA vows to fight hard against the pr companies and their anti-union tactics. "They can build whatever prisons they want," Don Novey says. "But they're going to run them." One of the new CCA prisons is rising in the Mojave Desert outside California Cit about $100 million. The company is gambling that cheap, empty prison beds will prove irresistible to Califor lawmakers. The new CCA facility promises to be a boon to California City once the inmates start arriving. T been hit hard by layoffs at Edwards Air Force Base, which is nearby. Mayor Larry Adams, asked why he wa prison, said, "We're a desperate city." FACTORIES FOR CRIME LEXIS de Tocqueville's Democracy in Am of the most famous books ever written about the politics and culture of the United States. The original purp Tocqueville's 1831 journey to this country is-less well known. He came to tour its prisons on behalf of the F government. The United States at the time was renowned in Europe for having created a whole new social the penitentiary. In New York and Pennsylvania prisons were being designed not to punish inmates but to r Solitary confinement, silence, and hard work were imposed in order to encourage spiritual and moral chang penitentiaries officials placed hoods over the heads of newcomers to isolate them from other inmates. After American prisons Tocqueville and his traveling companion, Gustave de Beaumont, wrote that social reform United States had been swept up in "the monomania of the penitentiary system," convinced that prisons we for all the evils of society." The historian David J. Rothman, author of The Discovery of the Asylum (1971), one of the ironies of America's early-nineteenth-century fondness for prisons. The idea of the penitentiary t the height of Jacksonian democracy, when freedom and the spirit of the common man were being widely ce the very moment that Americans began to pride themselves on the openness of their society, when the bou frontier became the symbol of opportunity and equality," Rothman observes, "notions of total isolation, unqu obedience, and severe discipline became the hallmarks of the captive society." More than a century and a political rhetoric about small government and the virtues of the free market is being accompanied by an eag deny others their freedom. The hoods now placed on inmates in the isolation units at maximum-security pri intended to rehabilitate. They are designed to protect correctional officers from being bitten or spat upon. T justification for today's prisons is that they prevent crime. The rate of violent crime in the United States has declining since 1991. The political scientist James Q. Wilson, among many others, believes that the recent nation's incarceration rate has been directly responsible for the decrease in violent crime. Although the vali theory seems obvious (murderers and rapists who are behind bars can no longer kill and rape ordinary citiz difficult to prove. Michael Tonry, a professor of law and public policy at the University of Minnesota, is an ex international sentencing policies and an advocate of alternative punishments for nonviolent offenders. He a that the imprisonment of almost two million Americans has prevented some crimes from being committed. " choose another two million Americans at random and lock them up," Tonry says, "and that would reduce th crimes too." But demographics and larger cultural trends may be responsible for most of the decline in viole Over the past decade Canada's incarceration rate has risen only slightly. Nevertheless, the rate of violent c Canada has been falling since 1991. Last year the homicide rate fell by nine percent. The Canadian murde now reached its lowest level since 1969. Christopher Stone, the head of New York's Vera Institute of Justic that prisons can be "factories for crime." The average inmate in the United States spends only two years in happens during that time behind bars may affect how he or she will behave upon release. The lesson being most American prisons-where violence, extortion, and rape have long been routine-is that the strong will alv weak. Inmates who display the slightest hint of vulnerability quickly become prey. During the 1950s and 19 gangs were formed in California and Illinois as a means of self-protection. Those gangs have now spread r The Mexican Mafia and the Aryan Brotherhood have gained power in Texas prisons. The Gangsta Killer Bl Sex Money Murder Bloods have emerged in New York prisons. America's prisons now serve as networking recruiting centers for gang members. The differences between street gangs and prison gangs have becom The leaders of prison gangs increasingly direct illegal activity both inside and outside. A 1996 investigation Chicago Tribune found that gangs had gained extraordinary control over the state prisons in Illinois: formal the Stateville prison law library had taught the history and rules of the Maniac Latin Disciples; a leader of th Disciples had at various times kept cellular phones, a color television, a stereo, a Nintendo Game Boy, a po washing machine, and up to a hundred pounds of marijuana in his cell. Many of the customs, slang, and tat associated with prison gangs have become fashionable among young people. In cities throughout America of the prisons is rapidly becoming the culture of the streets. The spirit of every age is manifest in its public v great construction projects that leave an enduring mark on the landscape. During the early years of this cen Panama Canal became President Theodore Roosevelt's legacy, a physical expression of his imperial yearn New Deal faith in government activism left behind huge dams and bridges, post offices decorated with mura lines that finally brought electricity to rural America. The interstate highway system fulfilled dreams of the E era, spreading suburbia far and wide; urban housing projects for the poor were later built in the hopes of cr Great Society. "The era of big government is over," President Bill Clinton declared in 199-an assertion that false in at least one respect. A recent issue of "Construction Report," a monthly newsletter published by Co Building News, provides details of the nation's latest public works: a 3,100-bed jail in Harris County, Texas; mediumsecurity prison in Redgranite, Wisconsin; a 130-bed minimum-security facility in Oakland County, M 200-bed housing pods at the Fort Dodge Correctional Facility, in Iowa; a 350-bed juvenile correctional facili Pendleton, Indiana; and dozens more. The newsletter includes the telephone numbers of project managers prison-supply companies can call and make bids. All across the country new cellblocks rise. And every one every brand-new prison, becomes another lasting monument, concrete and ringed with deadly razor wire, t

greed and political cowardice that now pervade American society.

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New Folsom, Represa, Calif.

Abstract (Document Summary)

Correctional officers see danger in prison overcrowding; others see opportunity. The nearly two million Ame behind bars, the majority of whom are nonviolent offenders, represent jobs for depressed regions and wind private companies that run many of them.

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