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## Private Prison Industry Had Heavy Hand in Drafting and Passing Arizona's S.B. 1070

Written by [Peter Phillips](#) [World News](#) Aug 6, 2010

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By Jesse Strecker

An investigative report released this month by *In These Times* details how Arizona's anti-immigrant S.B. 1070 law not only promises dramatic financial benefits for the private prison industry, but that lobbyists and administrators working for private prison corporations such as Corrections Corporation of America (CCA) and Geo Group, played substantial parts in drafting and ensuring the passage of the bill.

### Connections

In spite of claims to the contrary by Arizona Senator Russell Pearce's (R-Mesa), records indicate that the legislator submitted a draft version of his S.B. 1070 bill for revisions to the American Legislative Exchange Council (ALEC), a legislative consulting firm made up of elected officials and business leaders.

ALEC, a 501(c)(3) non-profit, accepts draft bills submitted by lawmakers and corporations, and funnels them through a series of revisions meant to increase the bill's viability both politically and legally. They also develop 'model legislation' which they hand out to legislators to bring back to their home states. In spite of a federal prohibition on 501(c)(3)s participating in the creation of legislation, ALEC boasts that their legislator members submit 1,000 pieces of ALEC-inspired legislation yearly, 20 percent of which passes.

In December 2009, Pearce introduced the bill to the Public Safety and Elections Task Force of ALEC, a branch whose corporate members include CCA, the American Bail Coalition, made up of bounty hunters and bail bonds companies, and the National Rifle Association. A month and a half later, the version this task force returned to Pearce ended up on the desks of Arizona legislators nearly untouched.

In 2008, \$5.6 million of ALEC's \$6.9 million in revenue came from contributions made by the organization's corporate and special-interest members, including Corrections Corporation of America (CCA, the nation's largest private prison corporation), Geo-Group (second largest only to CCA), Sodexo Marriott (the largest food services provider to private prisons), Rupert Murdoch's News Corporation and a host of other major corporations. The majority of the organization's additional revenues come from membership fees of legislators, 36 of whom represent districts in Arizona.

About a week after Sen. Pearce introduced the legislation, CCA hired Highground Consulting, a powerful Phoenix lobbying firm also on the payrolls of Maricopa County during the time of the bill's formation, to represent the corporation in the Arizona legislature.

The governor's office also has deep ties with the private prison industry. Charles "Chuck" Coughlin, Gov. Jan Brewer's campaign manager, owns Highground Consulting. In addition, the governor's current spokesperson, Paul Senseman, was previously employed as CCA's chief lobbyist in Arizona through another influential consulting firm, the Policy Development Group (PDC). Kathryn Senseman, the spokesperson's wife, still works for PDC, and continues to lobby on behalf of CCA. The connections go on; for a more in-depth account, and a diagram, see *In These Times* article, "Ties that Bind," at:

[http://www.inthesetimes.com/article/6085/ties\\_that\\_bind\\_arizona\\_politicians\\_and\\_the\\_private\\_prison\\_i](http://www.inthesetimes.com/article/6085/ties_that_bind_arizona_politicians_and_the_private_prison_i)

## Gains and Losses

Under the new law, anyone found without papers could face a 20-day prison sentence, not to mention holding time as those individuals await a newly burdened immigration court system, and a \$100 fine. According to a report released by the National Immigration Forum in July 2009, the cost to taxpayers just to detain someone for those 20 days alone is about \$2,820.

Another study, published by Syracuse University research institute TRAC, reports that the average waiting time between detention and trial date for undocumented immigrants has climbed in recent years to 443 days. That's a cost of \$62,463, about 70 percent of which is money in the pockets of the operators of detention facilities. Implementing S.B. 1070, however, will undoubtedly place extreme new burdens on an already financially strained court system, dramatically extending detention times for residents found to be without proper documentation.

## Deficit Spending, or a Burst Bubble's Inflation?

Unsurprisingly, S.B. 1070 was introduced at a time when cheap migrant labor was becoming all but unnecessary. For the past half century, Arizona's economy has largely been built upon growth itself; the state's population rose faster in the last 50 years than any other state besides Nevada. And the bursting housing bubble arguably hit Arizona the hardest of all states. The number of construction jobs has fallen around 50% since the industry's peak in 2006. As the housing bubble burst, one of the largest segments of the Arizona economy, a workforce heavily populated by Hispanics, faced obsolescence.

The massive surge in detention spending comes at a time when Arizona is facing arguably the nation's worst deficit—\$1 billion on a total budget of \$9 billion. As the state slashes kindergarten programs across the board, sells government buildings—including the capitol—to lease them from private owners, the legislature continues to find ways to finance the immigrant round up S.B. 1070 promises.

Given these rather dire financial times, state officials are, however, considering alternatives to private detention. Maricopa County Sheriff, Joe Arapio declared he has room for 1000 immigrants in his tent city jails in the deserts surrounding Phoenix, “next to the dump, the dog pound, the waste-disposal plant,” he bragged regarding his response to the financial burden of paying for indoor facilities. Republican gubernatorial candidate Dean Martin, who's running against Brewer in the primary, has endorsed the ideas as well, criticizing Brewer as ‘soft on immigrants.’

The private ‘correctional’ industry, meanwhile, seeks to become increasingly enmeshed in local economies in ways that make its own growth profitable to local residents. CCA's website boasts that their facilities create construction jobs, bring sales and property tax dollars, and creates an average of 200 jobs in every new facility. They even have a video of a Tennessee mayor praising CCA as practically feudal lords—willing to build or produce for the communities they operate in anything from a senior center to inmate-produced t-shirts.

## A History of Influence

Nationwide, the scale and influence of the private prison industry has expanded rapidly in recent years. Changes in legislation promoted by industry lobbyists has extended private prison corporations' role in Legislatures across the country, as well as ballooning the population under their supervision.

During the early 90s, ALEC's Public Safety and Elections Task Force—at the time co-chaired by CCA—contributed to the development of the now-notorious ‘three-strikes’ and ‘truth in sentencing’ legislation passed in several states. Championed primarily by the NRA through their “CrimeStrike” campaign, three-strikes laws were passed in Washington, California, Georgia, Delaware and North Carolina, while truth-in-sentencing laws were adopted in Arizona, Mississippi and Virginia. Accordingly, the number of inmates in the United States increased by nearly five times between 1980 and 2003, largely because of policies related with the ‘War on Drugs.’ Between 1995 and 2003, however, the number of inmates in private prisons increased by nearly 500 percent.

Private Prison watchdog site, *The Business of Detention* reports that between 2002 and 2007, returns on CCA stock increased by more than five times. These figures are in part due to changes in policy at the federal department of Immigration and Customs Enforcement (ICE). Beginning in August 2006, ICE adopted a policy of detaining all undocumented immigrants until their trial date, creating huge new demands for detention facilities.

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Backed by these record-breaking profits, CCA has increased lobbying efforts, specifically regarding immigration policy. In 2005 alone, the corporation spent \$3.5 million lobbying on issues of immigration and homeland security. They've also managed to acquire considerable political capital by drafting

former politicians and their family members.

**After S.B. 1070**

Given the law's questionable legal status, it remains to be seen how much new business S.B. 1070 generates for the private prison industry, or what kinds of resources they will dedicate to seeing it stands up to federal legal challenges. But after the law does go through a period of enforcement, Arizona's inmate capacity per capita may be left at levels matching California or Texas—where 649 per 100,000 residents total, and 3,743 per 100,000 African-Americans are behind bars—even if the law is eventually overturned in its entirety.

**SOURCES:**

Hallett, Michael A. *Private Prisons in America*, University of Illinois Press, Chicago

Hodai, Beau. "Corporate Con Game" *In These Times*, July 2010. Pp 16-20

Khimm, Suzy, "Arpaio Plans to Jail Arizona Immigrants in 'Tent City'" *Mother Jones*, July 19, 2010: <http://motherjones.com/mojo/2010/07/arpaio-arizona-illegal-immigrants-tent-city>

Silverstein, Ken. "Party in the Sonora: For the future of G.O.P. governance, look to Arizona." *Harper's*, July 2010. Pp. 35-42.




## 6 Responses for "Private Prison Industry Had Heavy Hand in Drafting and Passing Arizona's S.B. 1070"

1.  Shannon Grow-Garrett says:  
[August 7, 2010 at 2:41 pm](#)

Just something else to be disgusted about. You can't turn your back on these Profiteers, they make everything cost and cost more.

[Reply](#)

2.  jay vitriolic says:  
[August 7, 2010 at 8:25 pm](#)

Outsourced prison systems r already voting as coporations against us citizens; this heavy handed passing 1070 is a violation of all ethics (which usa is void of, not just ETHICS, CONSCIENCE & INTEGRITY obviously has no moral compass. Actually, usa is absent of any morals- this generally means no soul. I know ur sould has been working very hard to right u but u aren't listening. I am 1st generation of mexico-italy and I don't care to be embarassed by usa, so i won't speak english anymore, I don't want anyone associating me with 2 bit country. I

was offended but now I'm mad as hell and won't take it anymore! If you didn't cut my ss I want to be gone in a HEARTBEAT. I comport myself as a decent person-I will not get judged as the govt continues with no tact to be associated wit it. I think the only place worse is myanmar(burma). I will not listen of watch pbs or npr as they answer to Homeland security-BIZZARE!

[Reply](#)



3. *Chris Brady* says:

[August 8, 2010 at 10:08 am](#)

This report has not been obliterated of the web yet:

Private Prison Company finds GOLD in California

By John Howard, Capitol Weekly, Jan. 28, 2010:

<http://www.capitolweekly.net/article.php?c=y18edzxlmzl88l&xid=y182yoctf9d1au&done=.y18edzxlmz588l#>

Quotes:

... the Corrections Corporation of America, has seen the value of its contracts with the state soar from nearly \$23 million in 2006 to about \$700 million three months ago – all without competitive bidding. Even in a state accustomed to high-dollar contracts, the 31-fold increase over three years is dramatic.

During the same period, the company's campaign donations rose exponentially, from \$36,750 in 2006, of which \$25,000 went to the state Republican Party, to \$233,500 in 2007-08 and nearly \$139,000 in 2009. The donations have gone to Democrats, Republicans and ballot measures. The company's largest single contribution, \$100,000, went to ... Gov. Schwarzenegger. ...

[Reply](#)



4. *Linda* says:

[August 11, 2010 at 7:33 pm](#)

Well the AZ Jan Brewer did it again, she signed into law to allow "Private Prisons". Even though Corrections Director Ryan pleaded with her in his letter, "Undoubtedly, a private company would pay its employees significantly lower wages and provide them lesser training to realize cost savings. This would lead to higher staff turnover, low morale and place public safety at risk".

I wonder if its "Corrections Corporation of America (CCA)" the same one that two of her staff members are lobby for "Private Prisons", no, it could be, say it ain't so. Corrections Corporation of America (CCA) will benefit from Arizona's criminalization of undocumented immigrants and their being held as prisoners under SB 1070, it takes fear mongering to another level.

These "Private Prisons" were only suppose to be for DUI prisoners but now we find out that escaped prisoner Tracy Alan Province and John Charles McCluskey, escaped, were being kept there.

These prisoners were convicted of murder, attempted murder, aggravated assault, so what did they do, they carjacked someone's vehicle, assisted by family (resulting in the arrest of one of their mothers), possibly killed an Oklahoma couple visiting New Mexico, before they were finally capured.

Way to go Brewer, you do not care about public saftey, just as long as you get your political contributions check, amazing.

[Reply](#)

5. [Private Prison Industry Had Heavy Hand in Drafting and Passing Arizona's S.B. 1070 « Zoydzz Microcosmz](#) says:  
[August 14, 2010 at 2:29 am](#)

[...] Link to Daily Censored Click here to cancel reply. [...]

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6. *imominous* says:  
[August 15, 2010 at 12:01 pm](#)

It's no surprise ALEC is involved up to its little eyeballs. ALEC is composed of legislators, as is a sister organization, the National Foundation of Women Legislators.

The Scientology organization became interested in these two groups a while ago. When seeking donations to join the NFWL, Scientologist Bruce Wiseman wrote, "Two years ago we started a similar project with the American Legislative Exchange Council (ALEC). ALEC is a national organization made up of legislators from every state as well as some federal legislators who meet and draft "model Legislation" for every state. The bean return for that has been enormous!"

<http://www.lermanet.com/scientology-in-government/wiseman.htm>

One of the NFWL board members is Joy Westrum, founder of a Scientology front group Second Chance, which she has repeatedly tried to sell legislators on. After a disastrous operation in New Mexico, Westrum popped up a month later in Hawaii, trying to flog her program.

As if the media coverage in Albuquerque never existed!

[http://www.krqe.com/dpp/news/politics/politics\\_krqe\\_albuquerque\\_city\\_pulls\\_plug\\_on\\_second\\_c](http://www.krqe.com/dpp/news/politics/politics_krqe_albuquerque_city_pulls_plug_on_second_c)

Westrum apparently presented Second Chance to judges in NM as a facility to handle "overflow" from regional jails. She seems to be trying to break into the private prison business, which would explain the support from ALEC.

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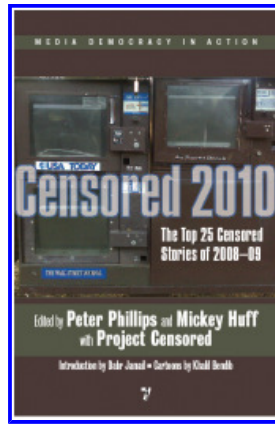
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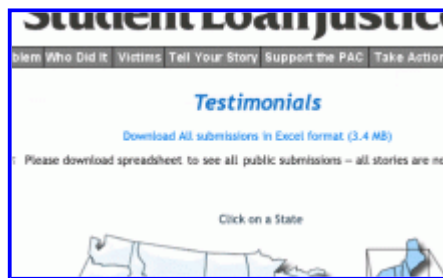
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