

Businesses Want a Piece of the Rock

By Elizabeth Leland

Most businessmen don't want anything to do with being in prison, but some entrepreneurs are trying to break into North Carolina's prison system. It's not that they want to be behind bars; in this new twist on the "privatization" theme, these businessmen want to build and operate those prisons on a for-profit basis—and the notion has stirred heated debate here and throughout the nation.

There's nothing new about privatization, the contracting with private companies to provide services normally performed by government.¹ Some private companies collect garbage under government contracts. Some mend roads. Others run sewage treatment plants and provide an array of other services. But incarcerating humans in pursuit of corporate profits has turned the trend toward privatization into a moral and constitutional debate—one that is sure to be argued by the 1987 General Assembly.

Proponents say privatization may be North Carolina's answer to legal and financial pressures on the prison system. Opponents say privatization may only compound existing problems. They call it "prostitution" and "dungeons for dollars," among other disparaging names. This hot debate is running nationally as governments seek new solutions to old problems in prisons. More than three-fourths of the states have been directed by state and federal court orders to improve prison conditions, and North Carolina has pledged to spend millions to improve prisons in the Southern Piedmont region as a result of one lawsuit (see table, p. 17, for more.)

One of the groups hoping to capitalize on the prison problem is a Nashville-based company called Corrections Corporation of America. CCA,

as it's known, already has offered to build and run a 200-bed minimum-security prison in North Carolina, and Correction Secretary Aaron Johnson and Gov. James G. Martin have discussed for-profit prisons with CCA and other companies (see box, p. 77, for list of private-prison companies).

Martin blames the current controversy over private prisons on those who "are timid about innovations. Some argue that licensed private prisons might cut corners to hold down costs, yet that is what the state has done—cutting corners in ways that have created problems we now have to solve."²

North Carolina's experiment with privatization goes back more than a century. More than 100 years ago, some states, including North Carolina, gave private contractors control of prisoners, substituting prison labor for the slave labor that existed up through the Civil War. But because of abuses—from long hours to inadequate food—the practice ended in the 1920s. More recently, private organizations have run halfway houses, foster homes, training schools, group homes, and community centers. The state Department of Human Resources has contracted with the Eckerd Foundation of Florida to run the Eckerd Wilderness Camps for troubled youth, a forerunner to the state's proposed private prisons experiment. And CCA already runs one private correctional institute in North Carolina—a 24-bed treatment center in Fayetteville for the Federal Bureau of Prisons.

As part of Martin's 10-year plan to improve prisons, the state would contract with private industry for three state prison facilities: a 250-bed treatment facility for drunk drivers, a 250-bed

Elizabeth Leland is a reporter for The Charlotte Observer.

rehabilitation program for young male offenders, and a 200-bed minimum security facility for adult males nearing release from prison.³ The plan would affect only 4 percent of the prison population—700 inmates at the maximum—and would be tried on an experimental basis. “Right now, we believe it is a viable solution to a very touchy problem for a limited number of people,” says John J. Higgins III, deputy correction secretary for plans and policies. “We wouldn’t want to go further until we get experience under our belt.”

State correction officials agree with the entrepreneurs’ claim that private business could save taxpayers money. Their argument is simple: a private company could build prisons faster and

*Stone walls do not a prison make,
nor iron bars a cage.*

—*English author Ralph Lovelace*

cheaper by avoiding government red tape, and could operate those prisons more efficiently for the same reason. But opponents, including the National Sheriffs Association, the National Conference of State Trial Judges, the National Association of Criminal Justice Planners, the American Bar Association, and the Association of Federal, State, County, and Municipal Employees, aren’t so sure that private firms could run prisons more cheaply and more efficiently. And they question the propriety, legality, and constitutionality of for-profit prisons.

Law enforcement officials aren’t the only opponents. Rep. Bertha Holt (D-Alamance), chairman of the House Appropriations Expansion Budget Committee on Justice and Public Safety, has read extensively on prisons for profit, and she doesn’t like what she’s learned. “I am not against privatization of everything,” she explains. “I can understand how you can contract out for garbage collection, but I don’t know how you can equate people with garbage.”

Secretary Johnson doesn’t equate prisoners or people with garbage, but he does equate private prisons with other private institutions. During a panel discussion of innovations in criminal justice at N.C. Central University in Durham in 1985, Johnson remarked, “Private schools are used for many children and there is no reason why we should not trust care of our prisons to some aspects of private industry,” Johnson said.⁴ Adds

Ben Irons, Johnson’s executive administrative assistant: “None of these questions can ever be resolved unless someone experiments. The department proposes only to experiment by contracting for the housing and care of a limited number of minimum custody prisoners. The department would require that the private company house and care for inmates in a manner that complies with standards promulgated by the American Correctional Association It is the department’s position that prison overcrowding is an urgent problem and that we should allow private companies to help us to address that problem.”

Other opponents of for-profit prisons include the American Bar Association (ABA), which has called for more study before the state turns control of prisoners over to private businesses. The ABA notes, among other things, that there is little track record on which to base a decision. The ABA adopted a resolution in February 1986 urging that “jurisdictions that are considering the privatization of prisons and jails not proceed to so contract until the complex constitutional, statutory, and contractual issues are developed and resolved.”⁵ And State Auditor Edward Renfrow said in an operational audit of the Department of Correction in June 1986, “Additional research and planning [on private prisons] are necessary.”⁶

The CCA Connection

Just a few years ago, no one could have imagined that fried chicken, hospitals, and Tennessee politicians could have anything to do with solving North Carolina’s continuing prison overcrowding problems. But that was before CCA was organized. The company was formed in Nashville in 1983 with the help of a wealthy investor named Jack Massey, the man who bought Kentucky Fried Chicken from Colonel Harlan Sanders in 1961. Massey later helped found Hospital Corporation of America, the leading for-profit hospital chain in America and one of the biggest in North Carolina. HCA owns six for-profit hospitals in North Carolina, manages eight more under contract, and leases one.⁷ Massey became a major investor in CCA at the request of CCA President Thomas Beasley, former chairman of the Tennessee Republican Party and a close friend of then-Tennessee Gov. Lamar Alexander. By November 1986, CCA operated nine correctional facilities with 1,645 beds, including two centers for illegal aliens in Houston and Laredo, Texas; two county jails in Bay County, Fla. and Santa Fe, New Mex.; two juvenile facilities, both in Memphis; two work

camps, both in Chattanooga; and the Fayetteville halfway house. The company also said in November that it was working on contracts for 6,000 more beds.

Visitors to the CCA facilities generally have reacted as Correction Secretary Aaron Johnson did when he visited the CCA facility in Houston last year: They like what they see. The buildings are clean and efficient. Some units, such as the Silverdale Detention Center in the Chattanooga suburbs, look like government-run prisons. That prison has guard towers and concertina-wire fences around the men's compound. Other units don't have the same appearance. For example, the 300-bed dormitory-style immigration center that CCA built in an industrial park near Houston International Airport looks like an office building—complete with landscaping.

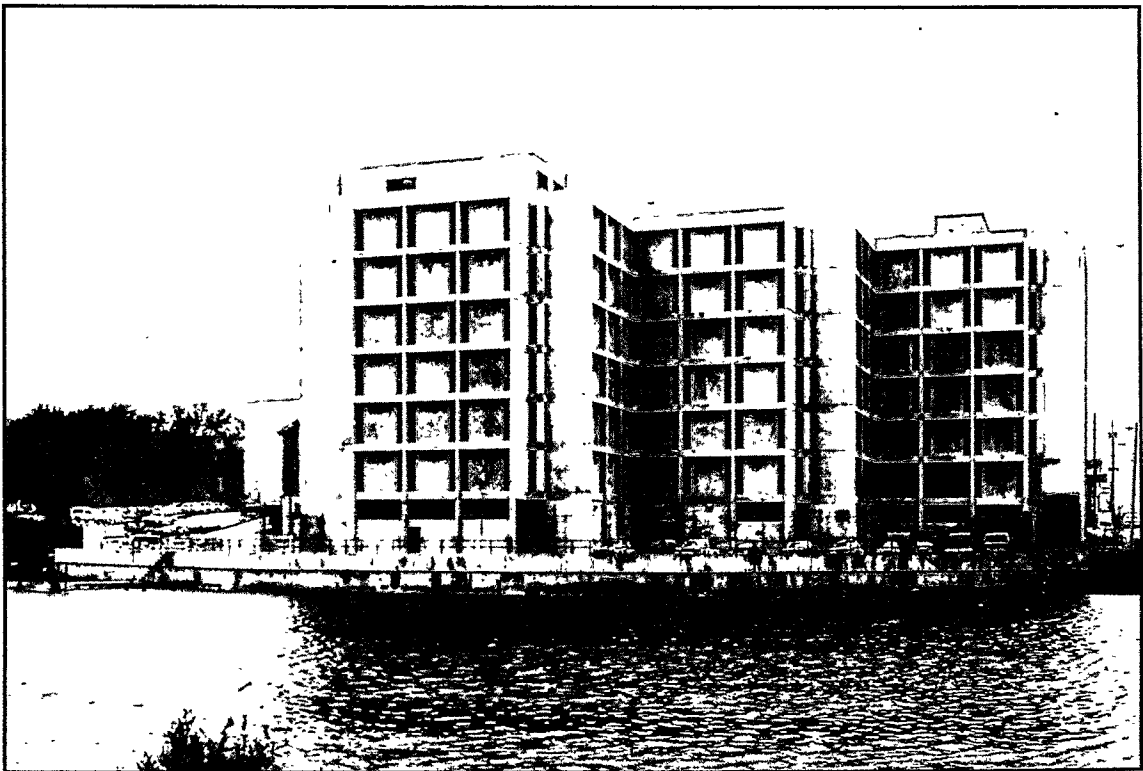
In Bay County, Fla., along the Gulf Coast in the Florida Panhandle, CCA remodeled the county jail and built a new, \$3.5 million work camp that opened in October 1985 for 194 inmates. Officials there generally have been pleased with their brand of privatization. "It's worked real good," Bay County Manager Al Cape says. "There have been no problems except the sheriff didn't like his jail being taken away from him."

The Constitutional Question

Sheriffs are not the only ones who are unhappy about private prisons. Legal skeptics question whether it is constitutional for governments to turn over prisons to private business, but so far the courts haven't ruled on the question. The main question is whether state laws allow the state and local governments to turn over the jailing of prisoners to for-profit companies—or any organization that is not a federal, state, or local government. Attorneys general in several states, and legal scholars elsewhere, have reached differing conclusions. In Tennessee, the home state of CCA, state authorities still have their doubts even though several private prisons are already in operation. The Office of the Attorney General declared in November 1985, "The state may not delegate or contract away its policy powers or obligations imposed upon the state by the Constitution." The attorneys concluded that "a department may not transfer its sovereign powers to another entity, governmental or non-governmental, [without] constitutional authorization."⁸ The Tennessee legislature evidently agreed, adopting a three-year moratorium in 1986 on further adult prison privatization.

They see things differently in South Carolina,

Bay County, Florida Correctional Facility



however. There, the Office of the Attorney General found no apparent constitutional barriers but advised state officials to develop a case or controversy so a court could decide the issue.⁹ In similar thinking, the U.S. Justice Department's National Institute of Corrections advises its members that prison privatization can be used with appropriate safeguards. William C. Collins, a Washington state legal expert, says in a legal brief prepared for the institute, "There are inherent constitutional limitations which probably prohibit a *complete* jail operations contract as being an excessive delegation of governmental powers. However, where government retains sufficient supervisory and monitoring authority and policy direction over the jail operation, an operations contract probably will pass constitutional muster, especially if there is specific statutory authority for contracting."¹⁰

Specific statutory authority—therein lies the rub. In 1986, the Tennessee and Pennsylvania legislatures rejected bills that would have allowed the state to contract with private companies to operate adult state prisons—even though Tennessee does have privately run detention centers for youths and women in Chattanooga and Memphis. Arizona Gov. Bruce Babbitt vetoed a bill that would have given his corrections department the authority to enter into contracts with private operators. Florida approved the practice in 1985, and New Mexico and Texas have laws allowing some private prison management and construction.¹¹

In North Carolina, Secretary Johnson asked the Office of the Attorney General in 1985 for an opinion on whether North Carolina could contract for private prisons. The answer was no and yes. Sylvia Thibaut, an associate attorney general,

Corporations Engaging in Private Prison Business

Behavioral Systems Southwest
300 S. Park Ave.
Suite 750
Pomona, Cal. 91769
714-623-0604

Buckingham Security Ltd.
P.O. Box 631
Louisburg, Pa. 17837
717-523-3210

Corrections Corporation of America
28 White Bridge Rd.
Suite 206
Nashville, Tenn. 37205
615-356-1885

Eckerd Youth Alternatives
P.O. Box 7450
Clearwater, Fla. 33518
813-461-2990

Eclectic Communications Inc.
P.O. Box 970
Ojai, Cal. 93023
805-646-7229

Pricor Inc.
440 Metroplex Dr.
Suite 100
Nashville, Tenn. 37211
615-834-3030

RCA Service Company
Government Services
Route 38
Cherry Hill, N.J. 08002
609-338-6521

268 Center Inc.
Route 1
Cowansville, Pa. 16218
412-545-2807

Volunteers of America Inc.
2825 E. Lake St.
Minneapolis, Minn. 55406
614-721-6327

The Wackenhut Corporation
1500 San Remo Ave.
Coral Gables, Fla. 33146
305-666-5656



Stephanie Bass, Executive Director
N.C. Center on Crime and Punishment.
In a survey, the Center found that many
people had concerns about the liability,
cost, risk, and propriety of private
prisons.

wrote an opinion dated Oct. 23, 1985 advising the Department of Correction that under North Carolina law, the state cannot contract for *housing* for *adult male* inmates.¹² The state can, however, contract for housing for *young males and women*, and contract for *treatment* programs for all types of inmates, the memo noted. With regard to adult male prisons, Thibaut wrote, ". . . [T]here is no statutory authority for the provision of contracts with private agencies for the housing of adult male prisoners. Weighing the statutes . . . as a whole, I would not recommend that the Secretary of Correction enter into such a contract without the express approval of the legislature." However, Thibaut went on, "It appears that one of the main reasons for the desire to contract with private agencies to house prisoners is to relieve the crowding problem in our prison system. There are seven youthful offender prisons and two women's prisons in the North Carolina prison system. If those prisons were converted to adult male prison facilities and private agencies were allowed to provide housing, by contract, for female prisoners and youthful offenders, it would appear that the overcrowding problem in our prison system could have some relief."

The Moral Ground

Beyond the constitutional and legal concerns, there are philosophical concerns. Some people just don't think it's right for a private business to run a prison. "This is the prostitution of punishment," says E. M. Adams, Kenan professor of

philosophy at UNC-Chapel Hill.¹³ "Some things are not a moral option for the sake of economy. In a politically organized society, only the government has the authority to define crime and punish criminals, for only the government is the moral voice and arm of the people. A state cannot contract out to private corporations its lawmaking, judicial, or police responsibilities, for it cannot invest in them the moral authority to perform these tasks."

Mark A. Cunniff, executive director of the National Association of Criminal Justice Planners in Washington, describes imprisonment as "the ultimate sanction that a state has available to it to enforce laws. Because only the government can promulgate and enforce the laws, only government should be involved in provision of those services."

The Bottom Line

But the bottom line, and perhaps most controversial issue, is cost. Private companies say they can save the government money and provide better service. The companies point out that they don't have to fuss with civil service regulations and that they have lower pension and benefits costs. "We can address the problem very quickly and we can use our own capital to do it," says CCA's Beasley. "Government won't have to come up with new capital to finance a facility. Government will not pay anything unless it actually utilizes a facility."

The National Institute of Corrections surveyed correctional administrators in 1984, and seven out

Arguments For and Against Private Prisons

Arguments For

Private businesses can run prisons more effectively than government.

Private companies can build prisons quicker and cheaper than government.

Private prisons can save tax dollars by operating cheaper than government prisons.

Private prisons must operate under accepted standards of care.

Private companies have more flexibility in management in hiring and promotion, and can provide better-trained personnel.

Privatization of prisons has been tested and thus is not a new concept.

Private companies have a profit incentive to do a better job of running prisons than the government.

Private companies may make money for investors.

Private companies are taxpayers.

Arguments Against

Profits have no place in a system designed to dispense justice.

The state could be liable for the actions of private company guards.

Private firms may not deliver on promised level of service, and prices may rise in future.

Building more jails will not alleviate problems of criminal justice administration.

Public employees' jobs are adversely affected by hiring private company workers.

Private firms could exploit the constitutional rights of inmates for the sake of profits.

Private firms may skimp on costs and provide a lower quality of service.

Private prisons may be in conflict with existing state laws.

Private prisons may be used to circumvent moratoriums on prison construction.

Source: "Private Jails: Contracting Out Public Service," The Council of State Governments, Lexington, Ky., April 1985

of 10 of the respondents identified cost savings as a major benefit of for-profit prisons.¹⁴ Supporting their views is Charles H. Logan, professor of sociology and criminology at the University of Connecticut. Logan found that operating costs may be one-fourth to one-third less in a privately run prison than in a public prison.¹⁵ *Fortune Magazine* in 1985 cited the example of the Immigration and Naturalization Service detention center that CCA

operates in Houston. There, the magazine reported, costs are 9 percent lower—\$23.84 a day per detainee in 1984, compared to the average \$26.45 it costs the INS to operate its own detention centers elsewhere.¹⁶

No hard-and-fast comparative data exist that could help North Carolina lawmakers with their difficult choice on private prisons, says Stephanie Bass, executive director of the N.C. Center on

Crime and Punishment in Raleigh. That group has compiled some limited financial data but has not released the results. "Making a comparison is difficult," says Bass. "The fact is that North Carolina's prisons are already run pretty cheaply—perhaps too cheaply—but there just is no adequate basis for comparison because private prisons are still too new."

North Carolina could save \$12 million to \$15 million up front in capital costs depending upon the type of facility needed, contends Higgins, the deputy correction secretary. The state also would save on the cost of housing prisoners. It now costs the state about \$35 per day to house a prisoner, he said, including about \$30.38 in correction department costs, and the rest for such expenses as attorneys, administration, and renovation. However, those with questions about private prisons point out that the average daily cost for minimum custody inmates—which is what the Martin administration proposes to contract private prisons for—is about \$22 per day—some 33 percent less than the overall average for all classes of custody.

Higgins would not say for what price the private firms had offered to do the job in North Carolina, but he said offers by several companies for certain types of inmates were less than what it costs the state. "They know that we're not interested in going into this venture with them and have it cost the state more money than what we can do for ourselves," says Higgins. "They have to do it for less and with no downgrading of programs."

Most studies have concluded that a private company could build a prison faster than the state because it is not encumbered by competitive bid-

ding procedures and other red tape. They also found that the company would have more flexibility in hiring and firing. But Cuniff, the justice planner, says those are not necessarily advantages. "The red tape is there for a reason," he says. "Red tape, for better or worse, is a check against corruption. We have competitive bidding so that the powers that be do not give away contracts to their buddies. If the problem is too much red tape, let's look at the problem of red tape—not substitute a panacea."

Critics fear that once the state is dependent upon a private firm, the firm might demand higher prices. They also fear hidden costs—monitoring by the state auditor's office, for instance, or the costs of legislative oversight. But Higgins said the cost of monitoring could be included in a contract, and ceilings on cost increases could be established.

Yet another concern is that revenues would vary with the number of prisoners and the length of incarceration. Critics say that private companies would have an incentive to keep more people in prison, and keep them there longer—thereby exacerbating the problem that private prisons were supposed to solve. "If you're paying them by the head, why would you ever want to reduce the number of prisoners?" asked Representative Holt. "That means you have a conflict of interest. It is the interest of the state not to have a whole lot of prisoners, but the interest of the private, profit-making institution is to have a whole lot of prisoners."

But Beasley says that complaint is unfounded. "We're totally accountable to government. We have got to do better than government (prisons) in order to make our business grow. We've got to operate according to the contract and, if we don't,

Well I had just got out of the county prison doing 90 days for non-support.

Tried to find me an executive position but no matter how smooth I talked, they wouldn't listen to the fact that I was a genius — the man said that we got all that we can use.

Now I got them steadily depressing, low-down mind messin', workin' at the car wash blues.

—from "Workin' at the Carwash Blues"

by Jim Croce

we could be fired and replaced by somebody else." And Richard Crane, CCA vice president for legal affairs, adds, "If that is a concern, we would be willing to go with a flat-rate contract" that would not base the company's revenues on a private-prison head count, but on a flat fee for operating a prison of a certain capacity.

Logan also contends such fears are groundless. "Most profit-makers do attempt to drum up business," he conceded, "On the whole, however, businesses succeed not by stimulating spurious demand, but by accurately anticipating both the nature and level of real demand."

The Liability Question

Another unresolved issue is who is liable for what happens in privately run prisons. For instance, who is responsible if a prisoner's civil rights are violated—the private company running the prison, or the state? In Tennessee, the attorney general says the answer is unclear.¹⁷ "It may be possible for a set of circumstances to arise which would thrust liability upon the state," wrote Michael Cody, the attorney general. "It is also probable that the state could end up paying for civil rights judgments."

Once again, because the notion of private prisons is so new, there is no case law on which to rely. The National Institute of Justice notes, "There is ... no legal principle to support the premise that public agencies will be able to avoid or diminish their liability merely because services have been delegated to a private vendor. Just as juveniles are wards of the court, inmates can be considered wards of the state, and a private contract essentially acts as an extension of the state. Thus, if the contractor errs, the state has retained its authority and may share the liability."¹⁸

Both the Institute of Justice and Collins, in his report for the National Institute of Corrections, noted that the burden on the state would be eased by insurance that companies would be required to carry. Governor Martin, in his 10-year plan, said private companies would hold the state "harmless for any and all costs."¹⁹ And CCA's Beasley emphasized that point, too. "The government's responsible, and we're responsible to government. We [will] hold government harmless. We indemnify government for our operation. We have multi-million dollar insurance." Crane, the CCA vice president for legal affairs, adds that there are some court precedents supporting this view, most notably the 11th Circuit Court of Appeals decision in 1985 in *Ancata v. Prison Health Services Inc.*,²⁰

which held a private health provider, not the state, liable for claims for inadequate health care in Florida.

Another question stems from the liability issue. In the event of a prison insurrection, could private prison employees use force if necessary to maintain public safety? To what extent, and how far off prison grounds? The National Institute of Justice says there's no reason why they could not use force. Already, many states license private security firms, and rules set forth how and when those private guards may use force. But State Auditor Edward Renfrow, in an operational audit report of the Department of Correction, doubted whether "in the event of an emergency, such as an escape attempt, . . . the State [can] delegate its authority to use force if necessary to maintain public safety."²¹ Renfrow also asserted, "Private correctional officers do not have any special rights or privileges in the area of law enforcement as conferred upon public correctional officers."

Aside from the pros and cons of private versus government-run prisons, there is a broader question: Should states build more prisons? Some say governments should look instead to alternatives to incarceration (see article on p. 50 for more). "The most reasonable conclusion to be drawn from all this is simply that the citizens and legislatures of our Southern states should avoid the new 'dungeons for dollars' game like the plague," wrote Harmon L. Wray Jr. in the September 1986 issue of *Southern Changes*, a magazine published by the Southern Regional Council in Atlanta. "The privatization debate distracts us from the real issue of our society's failure to deal with crime in any way other than a knee-jerk repressive fashion."²²

The Buck Stops at the Legislature

The decision ultimately will be up to North Carolina legislators, many of whom gave Martin's proposal a cool reception when it was released in March 1986. After last fall's hard-fought election, when Martin campaigned against Democratic legislators, the reception in 1987 may be downright frigid. "I don't believe the leadership of the General Assembly will endorse it," Sen. Robert Swain (D-Buncombe) said at the time Martin unveiled his private prisons proposal. Swain was right then, and his views have not changed since.

That doesn't mean the idea's dead, however. While the legislature has been cool, the public seems to like the idea better. The N.C. Center on

Corrections at the Crossroads

Plan for the Future

Martin administration's 10-year plan
for prison system

Crime and Punishment, a private, nonprofit research and education organization, polled 621 registered voters by telephone in February 1986.²³ The Center found that three out of four were willing to consider private prisons as a potential solution to the state's prison woes. One out of three respondents thought the state definitely should contract with a private firm. The survey found, however, that support for the concept was not unwavering. The same respondents, quizzed about six potential drawbacks of privatization, were less likely to support it. Many had concerns about liability, cost, risk, and propriety.

Those concerns are shared by many rank-and-file legislators, including Rep. Anne Barnes, co-chairman of the Special Committee on Prisons, which examined a variety of prison issues in 1985 and 1986, and which has reported to the 1987 General Assembly. "This whole idea needs more study," Rep. Barnes says. The 1986 short session of the legislature made sure that time would be provided for that study. It enacted a special provision (Section 204, Chapter 1014) banning prison privatization until the Joint Legislative Commission on Governmental Operations reports to the General Assembly. But neither the commission, nor a subcommittee on private prisons, met during 1986 to study the issue. Unless the Martin administration can come up with the figures and the argu-

ments to persuade lawmakers otherwise, that may be just the sentence that the 1987 legislature gives it—another six months to a year doing hard time in a legislative study commission lockup. □ □

FOOTNOTES

¹For more, see "Public or Private? The State of North Carolina: Getting Down to Business," by Bill Finger and George Frink, *North Carolina Insight*, Vol. 8, No. 2, November 1985, pp. 2-21.

²"N.C. May Use Private Prisons Firm," by Katherine White, *The Charlotte Observer*, March 31, 1986, p. 1B.

³*Corrections at the Crossroads, Plan for the Future*, 10-Year Plan by the N.C. Department of Correction, March 6, 1986.

⁴"Lawyer Urges Caution in Mixing Penal System with Private Enterprise," by Diane Fiske, *The Durham Herald*, Nov. 16, 1985.

⁵*Summary of Action of the House of Delegates*, American Bar Association, 1986 Midyear Meeting, Baltimore, Maryland, Feb. 10-11, 1986, p. 12.

⁶*Operational Audit Report, North Carolina Department of Correction*, Office of the State Auditor, June 1986, p. 43.

⁷For more, see *The Investor-Owned Hospital Movement in North Carolina*, a report by the North Carolina Center for Public Policy Research, edited by Elizabeth M. "Lacy" Maddox, July 1986, p. 130.

⁸Opinion #85-286, W. J. Michael Cody, Attorney General, Nashville, Tennessee, Nov. 27, 1985.

⁹Opinion, The Office of the Attorney General, South Carolina, Aug. 8, 1985.

¹⁰"Contracting for Correctional Services: Some Legal Considerations," legal brief written by William C. Collins, National Institute of Corrections, U.S. Justice Department, November 1985.

¹¹"N.C. May Use Private Prisons Firm," by Katherine White, *The Charlotte Observer*, March 31, 1986, p. 1B. See also "Prisons for Profit: The Private Alternative," *State Legislatures* magazine, April 1984, p. 9.

¹²Memorandum from Sylvia Thibaut to Andrew A. Vamore Jr., Oct. 23, 1985, re: Authority to Contract with Private Agencies for Housing Prisoners, pp. 1-3.

¹³"Prisons for Profit," by E. M. Adams, *The Triad Spectator*, Greensboro, N.C., April 23, 1986, p. 5.

¹⁴"The Private Sector in Corrections," by Robert B. Levinson, *Corrections Today* magazine, published by the American Correctional Association, College Park, Md., August 1984, pp. 42-43.

¹⁵"The Persuasive Case in Favor of Prisons for Profit," by Charles H. Logan, *The Charlotte Observer*, Jan. 17, 1986, p. 17A.

¹⁶"When Public Services Go Private," by Jeremy Main, *Fortune Magazine*, May 27, 1985, pp. 96-102.

¹⁷Tennessee AG Opinion #85-286, p. 2.

¹⁸*The Privatization of Corrections*, by Joan Mullen, Kent John Chabotar, and Deborah M. Carrow, an analysis written for the National Institute of Justice, U.S. Department of Justice, February 1985, pp. 76-77.

¹⁹*Corrections at the Crossroads*, Section IX, p. 2.

²⁰*Ancata v. Prison Health Services Inc.*, 769 F 2d 700 (11th Cir., 1985).

²¹*Operational Audit Report*, p. 43.

²²"Cells For Sale," by Harmon L. Wray Jr., *Southern Changes* magazine, Southern Regional Council, Atlanta, Ga., September 1986, pp. 3-6.

²³"Citizens Support Prison Alternatives," Analytical Report by Hickman-Maslin Research, Washington, D.C., for N.C. Center on Crime and Punishment, May 17, 1986. For a review of polling techniques, see "What To Look For in a Good Poll," by J. Barlow Herget, *North Carolina Insight*, Vol. 7, No. 2, October 1984, pp. 12-13.