

Testimony – Buddy Maupin, Regional Director of Illinois AFSCME Council 31  
House Public Safety Policy and Finance Committee  
March 8, 2006

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Mr. Chairman, members of the committee. I want to thank you for the opportunity to be heard here today. My name is Buddy Maupin. I am the Regional Director for Illinois AFSCME Council 31 and I direct the union's activities in the Illinois Department of Corrections.

I come here today at the invitation of Minnesota AFSCME Council 5 to testify on HF3004 and to relate our experience in Illinois with respect to our state's ban on private prisons.

Illinois passed the Private Correctional Facility Moratorium Act in 1990 with bipartisan majorities in both Houses voting in favor. It was signed into law by a Republican Governor. In the ensuing 16 years a bipartisan majority of legislators has found this ban to be excellent public policy and have actually extended the ban to cover dietary, commissary, and interstate inmate transportation.

Over this period, in the state of Illinois, the Republicans have controlled the House, Senate, and Governorship at times. At other times Democrats have controlled the Legislature and the Governorship, and for most of the time the parties have shared control. I raise this to emphasize the fact that there is a bipartisan consensus in our state that the incarceration of criminals is an inherently governmental function.

When a public body cedes operational control of a prison to a private party it is not without risk. As you know, the issue of sovereign immunity and liability can be an expensive one for this legislature to deal with. After all, there are occasions in the operation of a correctional facility where deadly force has to be used against an offender. Our legislature decided in 1990 that the exercise of that vital responsibility should be limited to professionally trained staff who answer to elected representatives of our democracy and not to a CEO and private shareholders.

Our legislature was also concerned about the ethics of exploiting workers. Let's face it—a private prison company cannot buy commodities any cheaper than the state of Minnesota. A private prison company cannot buy utilities, real estate, fuel, or vehicles any cheaper than the state of Minnesota. A private prison company just buys workers cheaper, so much cheaper that the low wages subsidize the corporate profits to the shareholders and the salaries of the CEO and his corporate leaders. In our state we made a public policy decision that the government should not collaborate in driving down the standards of workers who put their lives on the line every day to protect our citizens from criminals who have been judged to be not fit to walk freely among us. Our legislature refuses to jeopardize public safety by exploiting workers.

These workers have an unimpeded federally-protected right to strike. When legislators turn over operational control of the prison to a private company you turn over your ability to have any say in the labor relations in that prison. What will you as a legislature do when these workers wake up, recognize their exploitation by the private prison company, and strike for higher wages?

Some may say that there is an open ended cost factor associated with this legislation. That is not the case. Our law cites liability, accountability, and cost as factors for enacting the ban. Further, the legislative branch decides what actions or inactions qualify a citizen for incarceration. It also decides the duration of incarceration appropriate for a particular offense. All of the cost factors are within the control of the legislative branch of government.

I urge you to call any member of the Illinois General Assembly and ask if the Illinois Private Prison Moratorium Act is a good law. You will get a positive response. Or pick up the phone and call any of the five gentlemen who have served as Director of the Illinois Department of Corrections under Governors of both parties and ask them if they think the Moratorium is good law. You will get a positive response from them as well.

In 1995, when the Republican Party took control of Illinois, private companies descended on our Capitol to make profits from prisons. Their lobbyists tried to repeal the ban. They underestimated our Republican legislators, who told them to go pound salt. They failed miserably and we haven't heard from them since.

I apologize if I sound harsh in my reference to prison privateers. I know that they have one interest and one interest only—to maximize profits for their shareholders and increase the value of their stock. And they serve that interest with passion.

But the State of Minnesota has a completely different interest if you're anything like Illinois. You care about safe, humane, secure, and rehabilitative settings for incarcerated persons to serve their time. I urge you to adopt this legislation and send a message that public safety is a core responsibility of government that will not be abdicated to privateers by the state of Minnesota.