

For-Profit Prison Corporations & Their Attempt to Influence Immigration Policy

As people of faith, we recognize the responsibility of government to seek justice for all people and to build the common good. Justice cannot be achieved unless the rules governing the democratic process are just and fair to all. Central to that process is a citizen's vote—not limited by the powers of money, social class and unequal access to public media. Unfortunately in *Citizens United v. FEC* the Supreme Court rolled back meaningful campaign finance laws protecting the voices of individual voters. The Court announced that private businesses—including for-profit corporations—have a right to spend unlimited money in elections, thus opening the door for increased corruption by money-toting entities and marginalization of constituents with far lesser means. While companies benefiting from restrictions on liberty attempt to entice politicians into adopting their priorities with lures of large campaign contributions, the true engine of change—the community—is often swept aside and democracy is undermined.

For-profit companies supplying detention services to the federal government - including the two largest providers Geo Group (Geo) and Corrections Corporation of America (CCA) - have been covertly maneuvering in immigration policy to increase detention rates while intentionally misleading the public about their efforts. These federal policies should be guided by humane principles including rights protections, family unity, and equality, not profit margins.

Currently the U.S. Immigration and Customs Enforcement (ICE) agency is required to detain 34,000 immigrants on any given day, translating into approximately 400,000 individuals every year.¹ This mandate through the Continuing Appropriations Act of 2014 is also known as the "bed quota". Due to this directive, people whose liberty is restricted are housed in county jails, privately run detention facilities, and federal centers that cost taxpayers \$2 billion annually.²

From a profit-oriented perspective, the expansion of grounds for immigrant detention means more detainees and thus increased revenue for shareholders. Private prison companies try to influence immigration debates through political campaign contributions to key officials active in this area of policy and by spending millions of dollars lobbying Congress to ease passage of legislation that benefit their industry and bottom lines.

To for-profit incarceration corporations, criminalization of immigrants is an important revenue stream

- In 2010 CCA reported \$1.17 billion in revenue, 43% percent of which - approximately \$500 million - is generated through contracts with the federal government.³ Significant portions of these agreements are to house immigrants charged with immigration violations.
- Geo reported \$1.61 billion in revenue in 2011.⁴ In their SEC filing in 2013 Geo stated, "(i)mmigration reform laws which are currently a focus for legislators and politicians at the federal, state and local level also could materially adversely impact us."⁵
- CCA also acknowledges the need to expand detentions: "(o)ur growth is generally dependent upon our ability to obtain new contracts to develop and manage new correctional and detention facilities."⁶

Private prison companies attempt to influence members of Congress and immigration policies

- CCA spent over \$19 million⁷, and Geo \$3 million, on lobbying activities through 2013.⁸
- In 2013 CCA told reporters they don't lobby on "sentencing or detention enforcement legislation" and "will not take a position on or advocate for or against any specific immigration reform legislation nor will our government relations team on our behalf."⁹ However, Senate lobby expense disclosures reveal that in 2012 CCA hired a lobbying firm to follow federal immigration policy issues.¹⁰
- In April 2013 as the Senate undertook immigration reform, Geo's quarterly lobbying disclosures show it hired a firm to lobby Congress on "issues related to comprehensive immigration reform."¹¹ Yet Geo claimed, "(t)he Geo Group has never directly or indirectly lobbied to influence immigration policy. We have not discussed any immigration reform related matters with any members of Congress, and we will not participate in the current immigration reform debate."¹²
- Geo's in-house lobbyists spent \$1.2 million while the company also paid \$880,000 to an external firm to engage Members of Congress on policies of interest in 2013.¹³

¹ American Immigration Lawyers Association, *AILA's Take on the Detention Bed Quota*, (March 10, 2014 at 2:58pm), <http://www.aila.org/content/default.aspx?docid=47205>.

² Id.

³ Detention Watch Network, *The Influence of the Private Prison Industry in Immigration Detention*, <http://www.detentionwatchnetwork.org/privateprisons> (March 24, 2014)

⁴ The Geo Group, Inc., *2011 Annual Report* at 2, (May 10, 2014 at 4:16 PM), http://en.wikipedia.org/wiki/Corrections_Corporation_of_America.

⁵ The Geo Group, Inc., Securities and Exchange Commission Form 10-k at 30 (March 10, 2014 at 4:54 PM), http://www.sec.gov/Archives/edgar/data/923796/000119312513087892/d493925d10k.htm#tx493925_3.

⁶ Corrections Corporation of America, *2012 Annual Report* (July 17, 2013 at 2:34 PM), <http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=irol-reportsannual>.

⁷ Influence Explorer, Corrections Corporation of America, (March 4, 2014 at 11:32 AM), <http://influenceexplorer.com/organization/corrections-corp-of-america/46a43aff0a6743c59fbeb588e8ee743>.

⁸ Influence Explorer, *Geo Group*, (March 4, 2014 at 11:20 AM), <http://influenceexplorer.com/organization/geo-group/7dfa33488aad4908ac1c75336c20db05>.

⁹ The Nation, *How Private Prisons Game the Immigration System*, (July 8, 2013 at 1:52 PM) <http://www.thenation.com/article/173120/how-private-prisons-game-immigration-system?page=0,0#>.

¹⁰ Id.

¹¹ The Nation, *Disclosure Shows Private Prison Company Mislead on Immigration Lobbying*, (June 27, 2013 at 4:30 PM), <http://www.thenation.com/blog/174628/disclosure-shows-private-prison-company-misled-immigration-lobbying#axzz2WbOVhBXA>.

¹² Id.

¹³ Campaign for an Accountable, Moral, and Balanced Immigration Overhaul, *End the Bed Quota Narrative* (March 12, 2014 at 11:00am), <http://cambio-us.org/wp-content/uploads/2013/06/End-the-Quota-Narrative-FINAL.pdf>.

These corporations gain access through campaign contributions to policy makers active in immigration reforms

U.S. Senators

Sen. Marco Rubio (R-FL), Republican “champion” of immigration reform	\$27,300 (from Geo) ¹⁴
Sen. John McCain (R-AZ), who introduced legislation appropriating funds for immigrant detentions through Operation Streamline	\$32,146 (from CCA) ¹⁵
Sen. Bob Corker (R-TN), an author of the “border surge” amendment to the Senate comprehensive immigration bill	\$51,450 (from CCA) ¹⁶
Sen. Lamar Alexander (R-TN), a leader in anti-immigrant policies	\$63,450 (from CCA) ¹⁷

U.S. Representatives

Rep. John Boehner (R-OH-8), who co-sponsored legislation increasing immigration detentions, and is the current Speaker of the House	\$21,000 (from CCA ¹⁸ and Geo ¹⁹ since 2008, combined)
Rep. Hal Rogers (R-KY-5), who chairs the House Appropriations Committee and co-sponsored legislation that would result in undocumented workers being subjected to detention	\$52,400 (from CCA since 2000) ²⁰
Rep. Marsha Blackburn (R-TN-7), who introduced a bill permitting local law enforcement to detain undocumented immigrants	\$21,600 (from CCA since 1990) ²¹
Rep. Mario Diaz-Balart (R-FL-25), member of the “Gang of 7” that spearheaded a comprehensive immigration bill in the House	\$3,250 (from Geo since 2008) ²²
Rep. Lamar Smith (R-TX-21), who sponsored legislation increasing immigrant detention	\$2,504 (from CCA) ²³
Rep. Jim Sensenbrenner (R-WI-5), who co-sponsored a bill boosting immigrant detention	\$2,000 (from CCA) ²⁴

- Additionally, six of the 11 Appropriations Homeland Security Subcommittee members tasked with dispersing federal funds, including those for the “bed quota”, accepted campaign funds from CCA and/or Geo between 2012-2014:
 - Rep. John Carter (Chair) (R-TX-31);
 - Rep. David Price (Ranking Member; D-NC-04);
 - Rep. Robert Aderholt (R-AL-04);
 - Rep. John Culberson (R-TX-07);
 - Rep. Chuck Fleischmann (R-TN-03);
 - Rep. Henry Cuellar (D-TX-28).²⁵

Immigration detention continues to increase while private prison companies profit

Private prison companies’ campaign funding undermines the democratic process and financially rewards policy makers for supporting increased detention of immigrants. For-profit prison corporations see enormous financial growth when federal policies they encourage result in heightened immigrant detentions. When liberty and human rights are on the line, members of Congress should be guided by a moral voice and not lured by the siren call of private corporations seeking to boost revenue.

¹⁴ Influence Explorer, supra note 7.

¹⁵ Influence Explorer, supra note 6.

¹⁶ Id.

¹⁷ Id.

¹⁸ Influence Explorer, *Corrections Corporation of America*, (March 4, 2014 at 5:27 PM),

<http://data.influenceexplorer.com/contributions/#b3JnYW5pemF0aW9uX2Z0PUNvcnJlY3Rpb25zJTlwQ29ycCUyMG9mJTlwQW11cmJlYSZnZW5lcmFsX3RyYW52YWN0aW9uX3R5cGU9c3RhbmRhemQ>.

¹⁹ Influence Explorer, *Geo Group*, (March 4, 2014 at 3:02 PM),

<http://data.influenceexplorer.com/contributions/#b3JnYW5pemF0aW9uX2Z0PUNvcnJlY3Rpb25zJTlwQ29ycCUyMG9mJTlwQW11cmJlYSZnZW5lcmFsX3RyYW52YWN0aW9uX3R5cGU9c3RhbmRhemQ>.

²⁰ Influence Explorer, supra note 6.

²¹ Influence Explorer, supra note 17.

²² Influence Explorer, supra note 18.

²³ Influence Explorer, supra note 17.

²⁴ Id.

²⁵ Id; Influence Explorer, supra note 18.