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Political Memo

Once Again, Pataki Defies Expectations

By RICHARD PÉREZ-PEÑA

ALBANY, March 15 — Once again, Gov. George E. Pataki has demonstrated his knack for defying expectations and, with little warning, jumping far ahead of other politicians, particularly his fellow Republicans, on a hot issue.

Mr. Pataki today proposed perhaps the widest-ranging gun controls in the country, a subject in which he had previously shown little interest. Over the last nine months, he has proposed a campaign finance reform package, imposed the nation's strictest air pollution limits on old power plants and signed into law a major new health care program for the poor, financed by a large increase in the cigarette tax.

Common to each step was that it was opposed by many Republican leaders and embraced by Democrats, and that it caught nearly everyone off guard. Even after five years, Mr. Pataki, who arrived as a law-and-order tax-cutter railing against the state's liberalism, is hard to pin down, a governor largely unencumbered by ideology.

Given Mr. Pataki's interest in national office, perhaps as a running mate for George W. Bush, he touched off speculation about what his latest bombshell meant. One school of thought says he has given up on this year's vice presidential bid and is aiming to tighten his hold on New York's political center, intending to run for a third term in 2002. Another school says that the more liberal Mr. Pataki appears, the more attractive he becomes to Mr. Bush.

"Whether or not it's politically popular or unpopular, you do what you think is right," he said today, when asked about such talk. He said gun control was a natural outgrowth of his efforts to fight crime.

But a few points are beyond question. Championing gun control — like his other major recent initiatives — will make Mr. Pataki more popular in New York, a state that leans left. And this move will go a long way toward undoing the damage done to his image by the state's recent presidential primary campaign, when a court overruled his efforts to keep Senator John McCain off the ballot.

Mr. Pataki's newest proposal adds to the wide gap between some of the nation's Republican governors and the much more conservative Republican leadership in Congress, on everything from gun controls to tobacco to health care. But highly publicized shootings have raised the volume on calls for new controls. Republican governors like Bill Owen of Colorado, Michael O. Leavitt of Utah and Bob Taft of Ohio have proposed gun measures, and others, like Christine Todd Whitman of New Jersey and Tom Ridge of Pennsylvania, have signed them into law. Mr. Leavitt and Mr. Owen, frustrated by their state's Legislatures, are supporting gun-control ballot initiatives.

"Over the past couple of years, some of our strongest allies have been Republican governors," said Joe Sudbay, political director of Handgun Control Inc., a lobbying group in Washington. "There's been a real turnaround on this."

Even Mr. Bush, the governor of Texas and the apparent Republican presidential nominee, whom the National Rifle Association has called one of its best friends, expressed support for much of Mr. Pataki's plan, noting, though, that he did not know all its details. In an interview in Austin today, he specifically endorsed a ban on assault weapons and a requirement for so-called ballistic fingerprinting to make guns easier to trace. He also voiced general support for laws requiring trigger locks and for background checks on people who buy guns at gun shows.

Mr. Pataki will get most of what he wants here, if not all. The Democrats who control the Assembly embraced his package, most of which they have passed before. The Republican-controlled Senate previously has resisted gun measures. But today, Joseph L. Bruno, the majority leader, said his house was amenable to much of the governor's plan, and acknowledged the change was due to events like the Columbine High School shooting in Colorado last year.

"Of course, when you see some atrocity out there, some tragedy, whatever it is, we collect ourselves and say, 'Is there something that we can do to prevent that from happening in the future?'" he said.

But Senate Republicans said the issue still divided those in rural areas, who oppose gun controls, from those in the cities and suburbs.

Mr. Bruno said the Senate was prepared to ban assault weapons and require that trigger locks be included in all gun sales, as Mr. Pataki proposed. As for another proposal, to raise the minimum age for gun ownership to 21 from 18, he said, "We're open to that."

The most innovative element of

Mr. Pataki's plan would require that before a new gun was sold in New York, it would have to be test fired so that the unique pattern of marks it leaves on a bullet and shell casing could be recorded and entered into a state database, making guns used in crimes easier to trace. Mr. Bruno did not rule it out, but questioned whether ballistic fingerprinting was technologically feasible, though police agencies say it is.

Mr. Bruno seemed equally concerned about being snubbed by the governor, with whom he is feuding. Mr. Pataki did not notify the Senate leader before making his proposals in an interview on ABC Tuesday night, but he did warn the leaders of the Assembly. Mr. Bruno said derisively that it was hard to gauge the governor's plan because there was no bill yet.

The governor proposed requiring background checks for gun sales at gun shows and flea markets, closing a loophole in the federal law that requires background checks on sales in stores. Mr. Sudbay said that 16 states have similar laws.

Ten states, he said, set the minimum age at 21. Only five states — California, Connecticut, Massachusetts, New Jersey and Pennsylvania — require trigger locks with gun sales. Just four — the same list, minus Pennsylvania — ban assault weapons. (Federal law has banned most assault weapons since 1994, but gun control advocates say state laws are needed so local police and prosecutors can enforce the ban.)

No state requires ballistic fingerprinting, Mr. Sudbay said.

"If these proposals are, in fact, substantive," he said, "then this would put Governor Pataki in the forefront of governors pushing common-sense gun safety agendas."

Privately Run Juvenile Prison in Louisiana Is Attacked for Abuse of 6 Inmates

By FOX BUTTERFIELD

A state judge in New Orleans has removed six teenage boys from a juvenile prison after finding they had been brutalized by guards, kept in solitary confinement for months and deprived of shoes, blankets, education and medical care.

The descriptions of conditions at the prison in Jena, in central Louisiana, are stark. But the criticism is particularly troubling, federal officials and lawyers for the prisoners say, because the prison is run by the Wackenhut Corrections Corporation, the world's largest for-profit prison operator. The judge said the compa-

Horror stories from a prison for teenagers prompt judicial action.

ny, which generally has a good reputation in the industry, had treated the youths no better than animals.

The situation raises a fundamental question about privately run prisons: Can corporations operate them more efficiently than state governments without skimping on essential services and proper training?

The teenage inmates were freed or transferred to other prisons by Judge Mark Doherty of Orleans Parish Juvenile Court, who said that the boys had been entrusted to Jena's personnel "for the avowed purpose of rehabilitation."

Instead, Judge Doherty said, they "wound up in a place that drives and treats juveniles as if they walked on all fours. These young people deserve to be treated like human beings, not animals."

Judge Doherty, a Republican and former prosecutor, said he would devote the next two weeks to hearings for 12 other boys he has sentenced who are at Jena, to determine whether he can also remove them.

Justice Department officials and others said the problems at Jena were at least partly caused by Wackenhut's efforts to cut costs. Consultants for the department and a federal judge found the company had stinted on food, clothing, education, and medical treatment for 276 inmates, and on training for guards.

The Justice Department sent experts to Jena as a result of an investigation it has mounted in recent years into widespread reports of abuses in Louisiana's other juvenile prisons. Additionally, Judge Frank J. Polozola of Federal District Court in Baton Rouge has overseen conditions in jails and prisons throughout the state for more than a decade following lawsuits on behalf of inmates.

In a statement, Wackenhut said it was disappointed by the Justice Department's charges. The criticisms, it said, were overstated and ignored progress it had made toward resolving problems at the prison. "The bottom line is that the juvenile facility at Jena is a well-managed and safe facility," Wackenhut said.

Other private prisons across the country have drawn official criticism. But most of those have been run by smaller companies set up in recent years, as a prison-building boom has fostered new industry growth.

Wackenhut, based in Palm Beach Gardens, Fla., operates 39,308 beds in 56 institutions in 13 states and seven foreign countries. The reports do not make clear whether top company officials knew about the problems at Jena.

Private prison operators like Wackenhut say they can make money by applying better management skills than government. On its Web site, Wackenhut says it "insists that each of its facilities is a model of modern correctional management."

But a report in February by four experts hired by the Justice Department concluded that the problems at Jena "seemed to be linked to the reluctance of Wackenhut Corrections to spend adequate funds to provide for the care of the youth."

And John Whitely, a former warden of the Louisiana state penitentiary at Angola who examined the Jena prison for Judge Polozola, said that the pervasive lack of shoes, underwear, blankets and mattresses for inmates was "just cheap."

After reading the reports, Judge Doherty went to Jena himself and interviewed inmates. He also conducted hearings of his own to determine the facts of cases involving youths sentenced in his court.

Judge Doherty said one boy he released, a 17-year-old found guilty of robbery, had been forced to lie on the floor on his stomach with a guard's knee in his back, which caused excruciating pain since the boy had recently had an operation for gunshot wounds in his abdomen and was wearing a colostomy bag.

A Justice Department official said the government had given Wackenhut and the state Department of Corrections a proposal for improvements at Jena. "We are waiting to hear back from them, but the window is short," the official said, indicating that the department was considering a lawsuit against Wack-

enhut if changes are not made quickly.

As is often the case in Louisiana, the prison is also enmeshed in a political corruption scandal. A friend of former Gov. Edwin W. Edwards, Cecil Brown, was indicted in New Orleans in November on federal charges of funneling \$845,000 from Fred Hofheinz, a former mayor of Houston, to Mr. Edwards for the contract to build the prison at Jena.

Mr. Edwards was named as an unindicted co-conspirator, said Eddie Jordan Jr., the United States attorney in New Orleans. Mr. Edwards is on trial on federal charges of extortion, racketeering and money-laundering in connection with the award of a riverboat casino license. Given that case, Mr. Jordan said, it would have been superfluous to indict him for the Jena payoffs.

Though Mr. Hofheinz won the Jena contract, he was unable to raise the money to build the \$12 million prison and sold the rights to Wackenhut.

Before the prison opened 14 months ago near Jena about 100 miles northwest of Baton Rouge, Wackenhut and state officials said it was being built to provide treatment for juveniles with drug addictions. But the Justice Department experts said virtually no drug treatment programs were run at Jena.

Instead, they found "a dangerous place to be," with a quarter of the inmates "traumatically injured" in a two-month period, many by untrained guards. Those guards, the experts said, routinely threw the inmates against walls, twisted their arms or shoved them to the ground because they had not been taught other ways to control the boys.

Dr. Nancy Ray, an author of the

report, said many boys had no shirts or jackets in the winter; some were forced to spend the day "huddled under a shared sheet or blanket" to keep warm, rather than attend classes held in another building.

Inmates often went days without clean underwear, she said, and sometimes fought over newly washed clothes. Once, she said, inmates started a riot by rushing a food cart because of a shortage of food.

Low pay and poor management at Jena, Dr. Ray said, have led to high turnover in personnel: five wardens since Jena has been open, and 600 persons have filled its 180 staff positions. Because of Jena's remote location, qualified personnel have been difficult to obtain, Dr. Ray said.

She said Wackenhut had skipped some elementary procedures like background checks on prospective employees for criminal records; some guards were hired despite having arrest records for assault.

In his report, Mr. Whitely found some guards who walked off their posts, leaving the inmates in control of their barracks while the boys frequently slept through what few classes were offered. Even one of the wardens told Mr. Whitely that Jena was "a comedy of errors."

A quarter of the inmates have I.Q.'s of less than 70, Dr. Ray said, but no special education is provided for them. And guards, most of whom were white, often used racial epithets when talking to the inmates, who were predominantly black, the report said.

A 15-year-old inmate from New Orleans also released by Judge Doherty tried to commit suicide 20 times by swallowing razor blades or hanging himself by a sheet, Dr. Ray said. David Utter, the inmate's lawyer, said that Jena's files contained nearly two dozen reports that guards had used physical force against the teenager resulting in broken fingers and a broken wrist.

The teenager, whose name cannot be used because he is a juvenile, said he learned about Wackenhut one day when he was in the visitors room awaiting an appointment with his lawyer and read a promotional brochure. "Then I figured out," he said, "Wackenhut was using us kids to make money."

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