Private Prisons, Criminological Research, and Conflict of Interest: A Case Study

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Possible conflicts of interest appear to be increasing in social science, medical, and legal scholarship. This article uses a case study of an alleged conflict of interest in regard to the privatization of prisons to call attention to what may be a need for criminologists and their professional journals to try to deal in an even-handed manner with the possibility of such conflicts.

The aim of this article is to focus attention on an issue—conflict of interest—that has bedeviled many other scholarly enterprises but rarely has been of particular concern to the criminological enterprise. The term itself is of relatively recent origin. One author found no use of it before the 1930s, and it was not employed in court proceedings before 1941, when Justice Douglas referred to "conflicting interests" in a hearing concerning the payment of bankruptcy lawyers (*Woods v. City Bank Co.* 1941, p. 263). Nor did the term become a dictionary entry before 1971 (Luebke 1987). The linguistic adolescence of conflict of interest goes hand in hand with continuing attempts, both in law and ethics, to reach agreement on what precisely it ought to cover (Boatright 1992; Davis 1982, 1993; Luebke 1997).

The material presented here revolves around a case study. In part, this approach has been chosen because it provides specificity to a subject that too often is discussed only in terms of platitudes. Also, by citing chapter and verse tied to a given instance, we can more readily anchor our conclusions and, if so inclined, readers will be in a better position to dispute our interpretations and take issue with the more general statements we offer about con-

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flict of interest in criminological study and steps that might be taken to avoid both it and the appearance of it.

The case study involves the Corrections Corporation of America (CCA), an entity that in late 1998 merged into the Prison Realty Trust (PRT), an organization that had been spun off a year earlier as one of its own subsidiaries. The new publicly traded company was named the CCA Prison Realty Trust. The transfer exempted the group from tax liability, providing that it distributes 95 percent of its earnings annually to shareholders. We focus on the work and the relationship to CCA of Charles W. Thomas, a well-known and generally highly regarded senior scholar in his mid-50s at the University of Florida, where he has taught since 1980. For those who follow the controversial public policy issues concerned with the privatization of prisons, it is no secret that Professor Thomas is an ardent fan of the movement and that he participates prominently in symposia that take up some of the business aspects of correctional privatization.

We would not likely have pursued this matter had Professor Thomas not appeared as the third author of an article in a recent issue of this journal (Lanza-Kaduce, Parker, and Thomas 1999). The article reported a one-year follow-up of prisoners released from three Florida juvenile institutions. Two of the facilities are privately operated, one by Wackenhut Corrections Corporation, headquartered in Coral Gables, and the other by the Nashville-based CCA. The research study, heralded by its authors as the first inquiry of its kind, matched samples of juveniles released from the two private institutions with those from a state-run facility. They reported that fewer of the private facility youth had been rearrested and, in addition, that as a group they had been involved in less serious offenses after their release. The authors grant that the time period covered by their inquiry may have been too short for adequate evaluation and that the records of the juveniles may not be generalizable to a population of more experienced offenders.

The article itself first appeared as an executive summary on the internet with only Lanza-Kaduce and Parker listed as its authors. Those interested could purchase the full report for $10 from the Private Corrections Project (see below regarding the project). The report, as Mike Maguire of the University of Cardiff observed, is professional, seemingly carefully done, and the results are persuasive. The same can be said for the article later published in *Crime & Delinquency*. But Maguire, as we do, suggests caution. He believes that some of the language employed by the authors on the internet, such as the claim that they have discovered "unequivocal" proof of the advantage of private prisons in terms of recidivism, is "an exaggeration" ("Recidivism Report Challenged" 1998, p. 2). Maguire also wonders about the absence of details

on sentence length that might have affected the outcome. He does not pick up on the unusual sycophantic observation near the end of the internet report: "The Florida Privatization Commission and its independent contractors at Bay and Moore Haven [the private facility sites] deserve credit for their success" (Lanza-Kaduce and Parker 1998).

In the *Crime & Delinquency* article, Professor Thomas is listed on the journal page devoted to author identifications as a "Professor of Sociology, University of Florida." No mention, either in print or to the editor, was made of any other affiliations. Nor were the first two authors identified as being affiliated with the Private Corrections Project housed in the Center for Studies in Criminology and Law at the University of Florida. That center, internet scanning certifies, is supported by "grants . . . and corporate contributions." Bryson (1996) has maintained that the project has received $400,000 from private prison companies, with the largest contributors being CCA and Wackenhut.

Some, perhaps many, scholars in a bit of a hurry might have published the recidivism study using what most people in the field regard as a too short one-year follow-up period. Brakel (1988), for instance, points out that as much as 40 percent of the recidivism by released offenders occurs 6 to 10 years down the line. When a man associated with the private prison industry in a money-making position uses such a short follow-up period in his study it inevitably arouses the suspicion that there was a desire, perhaps overriding, to get the favorable news legitimated by its appearance in a scholarly publication. The prior placement of the study results on the internet also can be suspected to be an attempt to show as soon as possible what are claimed to be the advantages of correctional privatization.

The sponsor of the recidivism research was the Florida Correctional Privatization Commission, a group appointed by the governor, which negotiates state contracts with private correctional facilities and is required to submit an annual report on recidivism to the legislature. Thomas has been a paid consultant for the commission, which he helped to establish, since the end of July 1994, receiving $50 an hour for work that he performs on its behalf. The director of the commission praises Thomas's credibility, calling him "absolutely unbiased," and says that the group relies on him "to tell us where the growth is, to tell us what's being done around the country, what could be done here" (Talev 1997, p. 6).

However, Thomas fails to point out in regard to the recidivism study that he became one of the 14 members of the CCA-offshoot Prison Realty Trust Board of Trustees in July 1997 and that the Private Corrections Project, officially organized in 1989 and primarily industry funded, provides him with a summer salary of more than $25,000. The Prison Reality Board of Trustees

position pays him an annual stipend of $12,000, plus $1,000 for each meeting of the trustees that he attends and $500 for every meeting of the Board's Compensation Committee. Thomas and the other nonemployee founding trustees also have an option to purchase 5,000 shares of stock each year until April 2007 at the initial offering price. The stock option was designed as part of the company's aim "to attract and retain the services of highly experienced and highly qualified non-employee trustees and *to increase their proprietary interest in the Company's continued success* [italics added]" (CCA Prison Realty Trust 1997, p. 64).

This background piqued our interest and prodded our further inquiries. We want to stress that we are not engaged in a witch hunt to smear the scholarship of Professor Thomas or his research colleagues by insisting or implying that their work was tainted by financial self-interest. But, we believe that there may well have been a conflict of interest that seriously (and unfortunately) detracts from the credibility that a reader can comfortably place in the published recidivism research report or in virtually all of the numerous media statements by Thomas that we have located, though the news stories we have found are but a fraction of the total of 175 Thomas media quotes on private prisons tallied in a 1997 *Wall Street Journal* article (Tippett and Brooks 1997). The statements that we have located, except for the more recent ones, do not disclose that their progenitor possesses a considerable financial stake in the success of private prisons. Thomas maintains, contrary to this evidence, that he has always been up front about his connections as well as the fact that he owns stock in some private prison corporations (Talev 1997). This situation forms the basis for a precept that we want to advance: failure to come forward and disclose in a timely manner what later might be seen as bias based on financial self-interest inevitably will taint and call into question publications and statements that are not accompanied by such stipulations, however accurate the material and however pure the intent.

BACKGROUND

The Corrections Corporation of America was founded in 1983 by Thomas R. Beasley and Doctor R. Crants, both lawyers, Nashville businessmen, and former roommates while part of the West Point graduating class of 1966. Beasley and Crants were attracted to the idea of private prisons because the country's correctional facilities were being beleaguered by court orders mandating lower populations while the public and politicians were demanding the incarceration of an increasingly larger number of offenders.

The founders sensed that the approximately $35 billion spent annually in the United States on imprisonment represented a pot of gold that could be tapped by the offer of a saleable private commodity. Stockholders who invested in CCA in the 1990s found that they had located one of the best of all Wall Street buys. Overall, from 1992 to 1997, the stock registered a compound annual growth rate of 70 percent, making it one of the five top performers on the New York Stock Exchange (Johnston 1998).

The Corrections Corporation of America began on what would prove to be a lingering sour note in terms of its promotional and lobbying tactics and conflict of interest issues. First, it offered to purchase the entire Tennessee prison system. While the proposal was being considered in the state legislature, it was learned that the wife of Lamar Alexander (Tennessee's governor) and Ned McWhertor (who would succeed Alexander in that office) had invested in CCA and together owned about 1.5 percent of the company. Conflict of interest charges led them to sell their holdings and, in the end, CCA's purchase offer was killed by the legislature.

Today, the wife of the speaker of the Tennessee state assembly is the CCA's chief lobbyist in the state, while a son of the county employee responsible for monitoring the CCA contract to run the Silverdale work farm near Chattanooga was placed on the CCA payroll. In addition, five state officials—including the governor, the House speaker, and the sponsor of the privatization bill—are partners with Beasley (who is today chairman emeritus of the company) in several barbecue restaurants. Similar kinds of interrelationships between CCA lobbyists and government entities have been highlighted in what is becoming a considerable literature (see, e.g., Bates 1999; Schlosser 1998).

ENTER PROFESSOR THOMAS

Charles Thomas has compiled an impressive array of professional publications on private prisons since he earned his Ph.D. from the University of Kentucky in 1971. His private prison associations, however, throw his work on the subject and many of his public pronouncements into doubt, however accurate they may be. His media comments, though almost invariably modulated, also invariably tend to put CCA in a favorable light. After a disturbance in a CCA facility in Texas, for instance, Thomas was quoted in the *Houston Post*: "The company has been an industry leader, not just for sheer size or from annual operating revenue, but for setting standards of performance" (Turner 1996, p. 33).

In other statements, Thomas typically has maintained that any CCA operational difficulties (and there have been quite a few; see, e.g., Bates 1999) were due to temporary considerations such as staff inexperience, and that these untoward events have to be expected in a pioneering endeavor. They will, he informs reporters, most assuredly be resolved by CCA. And when complaints arose that District of Columbia prisoners were being housed in a distant Youngstown, Ohio, CCA facility (which had two murders and six escapes), Thomas softened the complaint that the men were effectively being denied the possibility of regular family visits: "If you were popped for a federal offense in Seattle, there is a very real chance you could serve time in a federal prison in Miami" (Phinney 1998, p. 2). The ABC broadcaster covering that story felt compelled to point out that transportation to places far from home "wasn't the case with state prisoners, however, until private companies discovered their winning formula" (Phinney 1999, p. 3).

On the financial front, a common Thomas theme is that "there is virtually unbridled investor enthusiasm for publicly traded prison management companies" (Mahtesian 1996, p. 81). In his 1997 annual update on the state of the private prison industry, Thomas noted of the downturn in the companies' stock prices that "I can't see anything other than wide-eyed wildebeests fleeing mindlessly across the broad savanna. And all of that thundering without a single hungry lion in hot pursuit" (Thomas 1997b).

Another typical Thomas observation appears in a *New York Times* front page story dealing with scrimping by private prison companies. The story detailed abhorrent conditions at a private juvenile facility and carried the headline "Profits at Juvenile Prisons Are Earned at a Chilling Cost." When asked to comment, Thomas told the reporter that the difficulty was not with the private companies, but rather with the inadequacy of those who were charged with monitoring them. "Ultimately," he said, "the responsibility belongs to the state" (Butterfield 1998, p. Al).

Bryson (1996) has pointed out that prestigious newspapers, such as the *Times* and the *Wall Street Journal*, appear unaware of "the umbilical connection between Professor Charles Thomas and the powerful corporations dominating the industry" (p. 34). Bryson also notes that, when asked, Thomas told Bryson's newspaper that he had invested money in substantially all of the private prison companies. When questioned how much, he reportedly stated, "None of your business" (p. 30). This privacy position, arguably sound and even commendable, was breached on December 20, 1998 when the *Gainesville Sun*, sourcing the information to Thomas, reported that he owned 30,000 shares in the CCA Prison Realty Trust and that they were worth about $660,000 (Martin 1998).

THE FLORIDA ETHICS CASE

A charge was filed in 1997 against Thomas in Florida, involving his work with the state Correctional Privatization Commission (from which he resigned in April 1998) as well as the University's Private Corrections Project. Understandably, Thomas has been offended by the allegations raised against him, seeing them as an unwarranted attempt to impugn his professional reputation and integrity. Our aim here is not to adjudicate the complex juridical issue of whether the charges are legitimate in terms of Florida law and under the University's governance policies. We are concerned with the information that surfaced, as it bears on what might be seen as significant omissions in identifying possible conflicts of interest as they relate to the *Crime & Delinquency* article and Thomas's other public representations as an objective academic researcher.

The case began this way. In July 1997, the Florida Police Benevolent Association (FPBA), which represents more than 18,000 government-employed correctional and probation officers and opposes prison privatization, filed a complaint with the state Commission on Ethics alleging that Thomas had a conflict of interest. The FPBA action, according to Thomas, was triggered by the irritation of Wackenhut Corrections Corporation executives regarding what they saw as his emergent allegiance to a competitor. The following June, responding to the charges, the Commission on Ethics ruled that there existed "probable cause to believe" that as a professor at the University of Florida and also an employee of the Correctional Privatization Commission, Thomas had violated Florida's conflict of interest statute "by having contractual relationships with private correctional companies, or companies related to the private corrections industry, which conflict with his duty to objectively evaluate the corrections industry through his research with the University," and second, "by having contractual relationships with companies that are regulated by, or doing business with, his agency, the Correctional Privatization Commission, which impede the full and faithful discharge of his public duties or create continuing or frequently recurring conflict between his private interests and his duties with the Correctional Privatization Commission" (Chinoy 1998, p. 1).

Eric Scott, the Advocate for the Florida Commission on Ethics, after looking into the allegations, had concluded that "the Respondent's research is actually funded by the companies in the industry he is researching" (Scott 1998, p. 3). The Advocate, taking the phrase from a Florida court decision, believed that Thomas's situation was one that "tempts dishonor" (*Zerweck v. State Commission on Ethics* 1982, p. 61, quoting Chief Justice Warren in *United States v. Mississippi Valley Generating Co.* 1961, p. 549). The Advo-

cate's report was forwarded to the Attorney General's office. In late April a settlement was proposed that would have Thomas pay a $2,000 fine, no longer be associated with the state-operated Correctional Privatization Commission, and sever his ties with the University's Private Corrections Project which he had founded and directs. The deal is expected to be approved by the state Commission on Ethics this summer (Washington 1999).

Meanwhile, the Wackenhut Corrections Corporation had complained both to the State and to the University that Thomas had "crossed over the line of impartiality." George Zoley, Wackenhut's CEO for its corrections operation, told the investigator assigned to look into the Thomas case that he was mostly pleased with Thomas's work, but recently he had noticed that Thomas went "on and on" about CCA more than its competitors (Commission on Ethics 1998, p. 3). Zoley also forwarded a sworn affidavit from one of the company's lobbyists, who said that he had been told by Thomas that "if George [Zoley] continued to try to take money out of my pocket that he surely must know that I talk to market analysts two or three times a week and I can take money out of George's pocket" (Smith 1997). Thomas said that he had "no recollection of having said anything of this type" (Thomas 1997b, p. 2) to the Wackenhut employee. He pointed out that the affidavit had no corroboration.

In a letter to the Associate Dean of Liberal Arts regarding the conflict of interest allegations, Thomas noted that Zoley's "slippery prose" had to be "read very carefully." "I am not in, nor have I ever been in, a policy-making position that would allow me either to advance the cause of firms whose stock I owned or to disadvantage the economic prospects of firms I did not own" (Thomas 1997a, p. l). He then sought to clinch his rebuttal by noting that he "would never be so inaccurate" as to say that he spoke to market analysts three or four times a week when "it would be unusual for me to not speak with such people multiple times a day" (Thomas 1997a, p. 4). He also took umbrage that Zoley had identified him as "Mr." Thomas when asking what he does with the information in his possession. "What Dr. Thomas does with his time and information is none of your business," he responded (Thomas 1997a, p. 4). He characterized the Wackenhut charges in the following manner: "So what do we have? Once one cuts through the proverbial crap, my judgment is that we have a very angry, very aggressive, very arrogant, very petulant, and very petty chief executive officer" (Thomas 1997a, p. 4). Thomas offered an analogy to emphasize that the conflict of interest allegations against him were unwarranted:

> Not that reason and logic should necessarily prevail over learned counsel's legal analysis, but I will offer an illustration that may or may not be entirely hypothetical. Accept the factually accurate premise that I also own shares of

> Home Depot. Were I to initiate a purchase order that resulted in University funds being expended on a hammer at Home Depot so that I could put a nail in my office wall so that I could hang a picture of a prison operated by the Corrections Corporation of America, does that necessarily mean that I will be transported directly to hell for unethical, conflict-of-interest driven behavior not once but twice? Perhaps were I with Alice in Wonderland but, hopefully, not while I am in Florida. (Thomas 1998, p. 5)

Although the resolution of these matters was pending, on October 18, 1998 the CCA Prison Reality Trust filed an Amendment to its original S-4A disclosure statement with the federal Securities and Exchange Commission. On page 67, it said: "Charles W. Thomas, a member of the Prison Realty Board, has performed, and will continue to perform certain consulting services in connection with the Merger for a fee of $3.0 million" (Securities and Exchange Commission 1998). When the FPBA discovered this arrangement, it filed an additional conflict of interest complaint with the state ethics commission.

THE CALIFORNIA TESTIMONY

The charges of conflict of interest may have influenced Thomas to be more forthcoming about his affiliations. Testifying before California's Little Hoover Commission in Sacramento the following month, he felt obliged to comment on what he called "two unrelated issues" that might be raised in connection with his observations on privatization. One dealt with funding for the Private Corrections Project and the other with his membership on the Prison Realty Board of Trustees. Thomas told the California legislators that Wackenhut had concluded that because of these affiliations, his perspective on privatization was biased. He dismissed the allegations in puzzling terms: "The fact that the claims are invalid," he stated, "is not relevant to my testimony" (Thomas 1997c, p. 2).

Thomas noted that his university was sensitive to possible conflicts of interest and that the corporate gifts to his project were unrestricted. He also said that he had been careful not to consult for private corrections management firms, though he could have done so under university guidelines. He then argued that CCA Prison Realty Trust was an entity distinctive from CCA. Others had thought otherwise and pointed out that the Realty Trust president was the 28-year-old son of the president of CCA and that Doctor Crants was the chairman and chief executive of the CCA as well as chairman of the Prison Realty Trust. Similarly, Michael Quinlan, a former director of the Federal Bureau of Prisons, served as director of CCA and chief executive

office of the Trust. Joseph Johnson, a CCA board member, had said, "It's the same company. It just is a different way of doing business" (Thompson 1998, p. B4).

Thomas also maintained that his "fiduciary obligation to the shareholders of CCA Prison Reality Trust neither encourages nor requires that I take a position that favors correctional privatization in general or the Corrections Corporation of America in particular" (Thomas 1997c, p. 5), a statement perhaps literally accurate but patently discrepant with the company's rationale, quoted earlier, for providing him with a stock option.

Thomas accused his opponents in terms similar to those that they used to charge him: "I do not appear here today to respond to the attacks given my belief that the self-interest of the attackers will be immediately obvious to any reasonable person" (Thomas 1997c, p. 5). He concluded the discussion of charges of conflict of interest by noting that "I appear exclusively in my capacity as a university researcher whose published work on . . . correctional privatization over the course of the last decade and a half have not gone altogether unnoticed on either the national or international scene" (Thomas 1997c, p. 5).

The testimony itself was a thorough, if one-sided, appraisal of the state of private prisons with the obvious objective of having California hop onto the privatization bandwagon. It also included a few oddments. There is an observation on profit making: "Whether someone will derive a financial benefit from the operation of our jails and prisons is simply not open to debate"; then, "Neither public nor private correctional employees are willing or should be expected to serve the public interest without compensation" (Thomas 1997c, p. 20). This last sentence seems disingenuous. Nobody questions that correctional employees ought to be compensated; the argument is about whether corporate shareholders and corporate executives, the latter of whom are paid what seem to some uncommonly high stipends, ought to derive financial rewards from the privatization of prisons, and how much such fiscal gain derives from funds that might have been spent to improve the welfare of prisoners. This theme is found in the words of the CEO of CCA: "The rule here is that we work for the shareholders" (Donlon 1998, p. 29).

Thomas testified that there could be no question concerning whether private prisons save money: "A reasonable person ought to be surprised," he told the legislators, "only if he or she encountered a contracting initiative that failed to yield at least some cost savings." "Simple economic logic," he observed, "suggests that the real question is how great the cost savings of contracting are likely to be rather than whether there will be any cost savings" (Thomas 1997c, p. 27). Given the considerable disagreement about costs (McDonald, Fournier, Russell-Einhorn, and Crawford 1998), Thomas's

observation might be construed as a partisan comment rather than a full-bodied and impartial look at the issue. Later in his talk, Thomas would become more argumentative about the issue: "So much experience and so much evidence about correctional privatization supports the hypothesis that privatization is capable of yielding meaningful cost savings that all but the most ideologically blinded privatization critics have tried to shift the debate to other issues and thereby to raise the hurdles privatization proponents are challenged to clear" (Thomas 1997c, p. 42). This last comment, it might be noted, is footnoted to a linguistically tortured observation, but one whose meaning is clear enough: "This is perhaps too polite an over-statement" (Thomas 1997c, p. 42).

Later in the testimony, opponents of privatization would be said to be suffering "the fate of those who seek to support the status quo when the winds of change are transformed from a gentle breeze into a hurricane whose force defies all resistance" (Thomas 1997c, p. 54). In another rhetorical burst, Thomas would accuse those who maintained that profitability might trump quality with "embracing the new battle cry that was to favor cute rhetoric over dispassionate logic" (Thomas 1997c, p. 56).

THE PRE-1997 RECORD

Thomas had stated that prior to the start of his employment in 1994 with the Florida Correctional Privatization Commission, he purchased shares of stock in private prison companies (Commission on Ethics 1998, p. 5). Nonetheless, while appearing as an expert witness on privatization before the Subcommittee on Crime of the House Judiciary Committee, he declared, "I have no personal economic interest that would be advanced or undermined by any decisions Congress might make regarding the issue" (Thomas 1995, p. 2).

After stating that he was "neither an opponent nor a proponent of correctional privatization" (Thomas 1995, p. 2), Thomas urged Congress to persuade states to privatize by using economic leverage: "I believe it would be entirely appropriate for Congress to amend the language of H.R. 667 in such a way as to encourage state-level privatization initiatives" (Thomas 1995, p. 14). He suggested that Congress could "encourage" states to privatize by withholding grants totaling more than $10 billion from jurisdictions that failed to meet certain standards: "Eligibility standards, for example, could include suitable proof that applicant jurisdictions have enabling legislation which authorized full-scale privatization" (Thomas 1995, p. 15). He thought that amending the Violent Crime Control and Law Enforcement Act of 1994

was the best of "an almost limitless number of opportunities associated with correctional privatization which Congress could pursue" (Thomas 1995, p. 14). Thomas justified his advocacy by saying that he was persuaded of privatization's potential. He maintained his claim to objectivity, but observed that "this neutrality does not mean that I have no preference" (Thomas 1995, p. 2).

THE GAO REPORT

In 1996, the General Accounting Office (GAO) analyzed recent studies comparing the operational costs and quality of service in public and private correctional institutions. The GAO lacks authority to undertake investigations of its own, so it must rely on what essentially is a review of the literature. The agency reported that the most sound and detailed comparison of operational costs had been made of one private and two public facilities in Tennessee, and that it found virtually no difference in the average prisoner costs per day between the two types of facilities.

Barron's, the influential business newspaper, thought the GAO report "noteworthy because it contradicts the conventional wisdom . . . that companies like Corrections Corporation of America automatically manage prisons more efficiently and economically" (Abelson 1996, p. 6). A CCA representative scoffed at the GAO report and referred the newspaper for a refutation by Thomas, identified as being affiliated with the Private Corrections Project at the University of Florida. *Barron's* did so, and found Thomas's rebuttal of the GAO findings "tendentious" (Abelson 1996, p. 6).

A later report by the Florida Office of Program Policy Analysis and Government Accountability seconded some of the GAO results, finding that the CCA and Wackenhut prisons in Florida did not reach the 7 percent cost savings level mandated by law. A CCA vice president responded by insisting that no prisons in Florida were comparable to the CCA facility, and that it was "impossible" and "reckless" to make such comparisons, a remark perhaps pertinent to the recidivism study published in *Crime & Delinquency* (see also Brown 1994, p. 201).

Understandably, given that the GAO report contradicted his recent House testimony, Thomas wrote a letter to Congressman Bill McCollum of Florida, chair of the same committee to which the GAO findings had gone, declaring that it was "politics" that underlay so biased an assessment as the GAO's. The report, he maintained, "while demonstrably untrue, is nevertheless damaging," (Thomas 1996, p. 3) a somewhat curious last phrase for a scholar presuming to be attacking the scientific merits and not the commercial implications of the GAO's work.

Thomas further excoriated the report, by noting that "It frustrates and, to be candid, angers me when the ability of Congress to meet its duty to the electorate is threatened by . . . inaccurate or incomplete or misleading or ineptly prepared reports . . . by [those] on whose integrity, objectivity, and sophistication Congress ought to be able to depend" (Thomas 1996, p. 1). Then there was a sarcastic thrust: "But I would never claim that the deck was stacked intentionally. All of this strange stuff must be nothing more than a very remarkable set of coincidences" (Thomas 1996, p. 6), and finally, a bit of whimsy: "What in the world is a poor old country boy like me to do when I see those smart city slickers types over at GAO trying to pull so much smelly wool over the eyes of a fellow Floridian?" (Thomas 1996, p. 9).

CONCLUSION

Both research and common sense support the finding by Grover and Hui (1994) that "people are more likely to lie when faced with a role conflict, especially when the reward for lying is combined with the conflict" (p. 300). What, then, might be done to deal reasonably with this situation? Rules such as the proposed edict on ethical standards of the American Society of Criminology (ASC), based on a similar statement in the code of the American Sociological Association, touch on the issue but lack specificity: "Criminologists," the ASC guidelines say, "should fully report all sources of financial support and other sponsorships" (ASC Draft Code of Ethics 1998, p. 3).

An editorial in the prestigious journal *Science* addressed the issue of conflict of interest in clear-headed terms. It starts out with the following observation:

> Conflict of interest is a phenomenon that varies depending on the eyes of the beholder. Many individuals feel that they can be very objective in areas of their expertise, regardless of affiliations, financial interests, intellectual passions and so forth. Their opponents usually regard such claims with skepticism. Some individuals are indeed capable of extremely objective thought, but many are not, and therefore rules have to be devised to protect the nonexpert from an expert opinion that is tilted because of personal interest. (Koshland 1992, p. 595)

The editor then offers a number of hypothetical cases with varying judgments about the existence of a conflict of interest. Of relevance for us is this one: "If . . . a scientist at the University of X extolled the product of Company Y and actually had shares in Company Y, the information about his stock would not appear in his or her affiliation, but the information should be available to reviewers of a manuscript, or readers of an article" (Koshland 1992,

p. 5945). The editor also states that "the key here is to have all the information out in the open, not to conclude that the person with a conflict is necessarily wrong" (p. 5945). This is followed by the wry observation that if the devil claims that two plus two is four, he is not automatically wrong; neither is an angel necessarily correct in suggesting that two plus two equals five. Then there is a warning: "Today, all too often conflict of interest is used by opponents as a way of attempting to besmirch a perfectly good argument" (p. 5945).

For its part, *Science* would require all authors to disclose any relationships that they think could be construed as causing a conflict of interest, whether the individual believes that to be actually so (Koshland 1992). Similarly, the *Wall Street Journal*, after having been burned by a columnist who was sharing beforehand with a Wall Street broker market tips that he was going to publish (Winans 1984), adopted the following doctrine:

> It is not enough to be incorruptible and act with honest motives. It is equally important to use good judgment and conduct one's outside activities so that no one—management, our editors, an SEC [Securities and Exchange Commission] investigator with power of subpoena, or a political critic of the company—has any grounds for even raising suspicion that an employee misused a position with the company. (Davis 1993, p. 28)

Lancet, a leading British medical journal, in setting forth standards to be met by authors submitting manuscripts, also has focused on the need to avoid an appearance of conflict of interest. "Conflict of interest for a given manuscript exists," it noted, using the words of the International Committee of Medical Journal Editors, "when a participant in the peer review and publication process . . . has ties to activities that could inappropriately influence his or her judgment, whether or not judgment is in fact affected" (International Committee 1993, p. 742). It went on to specify that "financial relationships with industry (for example, employment, consultancies, stock ownership, honoraria, expert testimony), either directly or through immediate family, are usually considered the most important conflicts of interest" (p. 742). Authors were forewarned that they should acknowledge in the manuscript all financial support and other financial or personal connections to the work.

It needs to be noted that *Crime & Delinquency*, in its instructions for the preparation of manuscripts, asks only for the author's name "and a brief statement indicating author's position and affiliation." That requirement certainly was literally fulfilled by the authors of the article on recidivism. Perhaps it is in order for the journal and its mates in the discipline to require further statements detailing possible conflicts of interest.

What other steps might be taken to try to guarantee that all relevant information for sound scientific judgment is on hand remains an open question, but it is one that deserves much more attention than it has received in social science circles. Gould (1995) maintains that "principles without practical power have never been very effective as instruments of control" (p. 179). At the same time, academics have been notoriously wary of incursions by outside forces on their extraordinary degree of intellectual autonomy. The balancing of these two competing interests we will leave for what we hope will be further forums on the conflict of interest issue.

Finally, the advice of Sheldon Krimsky of Tufts University, regarded as the leading expert on conflict of interest in professional journals (Blumenstyk 1998), seems very much on target.

> Journal editors should begin to take seriously the implementation of disclosure policies in response to the escalation of financial interests of authors in their publications. Journals should be specific in their instructions to authors on the types of financial associations related to their submission. . . . We also believe that the scientific community and the public will be best served by the open publication of financial disclosures for readers and reviewers to evaluate. (Krimsky and Rothenberg 1998, p. 226)

In a January 1999 presentation at the American Association for the Advancement of Science, Krimsky and Rothenberg reported that their investigation of 800 scientific articles found that some 34 percent of the authors had conflicts of interest, none of them disclosed. All 210 of the science journals they surveyed had funding and personal interest disclosure rules, yet 142 of them carried no disclosures whatsoever. Those journals that made authors fill out detailed questionnaires had far higher rates of such disclosure, with one going up to 23 percent of the articles printed (King 1999).

The final lines of the Krimsky-Rothenberg conflict of interest recommendations summarize the major considerations that led to our case study of the recidivism research on private prisons:

> While financial interest in itself does not imply any bias in the results of a paper and should not disqualify it from publication, readers and reviewers are the best judges of whether there is evidence of bias and whether that evidence favors those interests. (Krimsky and Rothenberg 1998, p. 226)

It is with this dictum in mind that the fields of criminology, criminal justice, corrections, and juvenile delinquency ought to attend to the integrity of their scholarship by insisting on the identification of possible sources of conflicts of interest as they may, or may not, bear on published research findings.

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