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Prisoners Dilemma Meets Glasnost: A Comparative Advantage Solution to the United States Prison Crisis

Introduction

The penal system of the United States is in the midst of a crisis. We imprison a greater proportion of our population than any other nation, and we have simply run out of space. The overcrowding of our prisons is mounting and shows no potential for relief in the near or distant future. Proposals for reform so far have failed to present a solution because they are the product of side-blinded vision. Until now, domestic prison reform has been mired in purely domestic solutions, products of a world-view obsolete for over a century. This outmoded world-view conceives of nation states as autonomous and competitive sovereignties. If global events of the last two years have demonstrated anything, however, it is that the world is growing more interdependent and that nations function as co-dependents and are profoundly connected. Cooperation, not competition, must now govern rational state behavior. Win-win scenarios offer viable alternatives to win-lose tradeoffs. Solutions to national problems need not come solely from domestic sources.

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The authors would like to thank the following people for their helpful comments: Henry Rosovsky, Vladimir Sloutsky, Barbara Searle, Simon Johnson, Kevin Hula, and many others who, in various ways, encouraged the development and writing of this proposal.


2. A prominent scholar of international relations and comparative politics has recently advocated this view. See Keohane, Realism, Neorealism and the Study of World Politics, in NEOREALISM AND ITS CRITICS 1 (1986).

The comparative advantage paradigm applied in an international context provides the best framework for a solution to our domestic prison conundrum. What the U.S. needs is more space to house prisoners at a cost that will not exhaust already overburdened federal and state budgets. Where can we find a place with substantial space, expertise in running prisons, and a desperate need for U.S. dollars, a combination that would make it the perfect place to expand American prison capacity? The answer is obvious: the Soviet Union. A joint project, in which the U.S. Bureau of Prisons built and maintained new prison facilities in the USSR, with the assistance of Soviet personnel, would alleviate domestic problems of both countries. Such an undertaking would also build on the emerging spirit of open-mindedness and superpower cooperation.

Indeed, the proposed solution is so comprehensive and beneficial to all concerned that we marvel it has not been thought of before. Though this type of cooperative penal venture is virtually unprecedented, the time for such a plan has come. This Article first examines the magnitude of the prison crisis, then assesses the suitability of the USSR as a site for new prisons, and finally lays out a proposal for carrying out the project.

I. The Domestic Crisis

A. Prison "Gridlock": The Extent of the Problem

Our prison system is overwhelmed. Inmate populations exceed facility capacities of federal penitentiaries, state prisons, municipal and county jails, and juvenile facilities. In the U.S., the total prison population has reached unprecedented levels. It stands at about one million, having grown at a more rapid rate in the last fifteen years than ever before. The federal prison population currently stands at about 54,500, having more than doubled since 1980. State prisons are in even worse shape. "There is not a state prison in the nation that is not above capacity,"

3. Between 1905 and 1911, Chinese and British authorities in Shanghai cooperatively ran two small prisons on British consular property in the northern section of the city. See Tahirih V. Lee, Law and Local Autonomy at the International Mixed Court of Shanghai (Ph.D. dissertation, Yale University, 1990) (copy on file at Graduate Registrar's Office, Hall of Graduate Studies, Yale University).


6. Taylor, Ten Years for Two Ounces, AMERICAN LAWYER, Mar. 1990, at 65. The rate of increase before 1980 was much slower. Over the thirty year period between 1950 and 1980, the federal prison population rose from 17,000 to 24,000, a mere 71% jump. Id.
according to the Executive Director of the Police Executive Research Forum in Washington, D.C.\textsuperscript{7} As of February 28, 1990, forty-five state prison systems were either under court orders to alleviate overcrowding or were awaiting such court orders.\textsuperscript{8} The Massachusetts prison system is in contempt of court; Governor Dukakis announced on March 14, 1990, that prisons in his state were operating at 170% capacity.\textsuperscript{9} Massachusetts Corrections Commissioner George Vose described it by saying, "It's like gridlock."\textsuperscript{10}

Overcrowding has forced desperate prison officials to undertake stop-gap measures such as double-bunking, often in cells barely large enough for one;\textsuperscript{11} the re-opening or continued use of defunct prison buildings;\textsuperscript{12} appropriating land slated for hospital construction;\textsuperscript{13} and converting college campuses and religious seminaries into minimum-security facilities.\textsuperscript{14}

Overcrowding cripples not just prisons, but our entire criminal justice system. Judges are forced to stay the sentences of convicted criminals for lack of space to incarcerate them. This occurs so often that the procedure has been given a name: "convicted without correctional space."\textsuperscript{15} Aware of the grim reality of the unhealthy climate in teeming prisons, some judges limit the number of convicts they will sentence to prison.\textsuperscript{16}

The negative consequences of overcrowding touch everyone—the inmates, their keepers, and the population at large, for whom incarceration is supposed to afford protection. Overcrowding exacerbates the potential for violence inside prisons by making it more difficult for guards to maintain order, thus increasing the risk of inmate insurrection.\textsuperscript{17} After instituting double-bunking at Massachusetts' only maximum security prison, for instance, prison officials "found more knives

\textsuperscript{8} \textit{CB Hearing of the Senate Foreign Affairs Committee}, FEDERAL NEWS SERVICE, Feb. 28, 1990 (statement of Senator Kerry) (LEXIS, Govnews Library, Fednew File). Apparently states have not been responsive to court orders. The first court to find a state prison system unconstitutional ruled 20 years ago. \textit{See} Holt v. Sarver, 309 F. Supp. 362 (E.D. Ark. 1970), aff'd, 442 F.2d 304 (8th Cir. 1971). In February 1986, the number of states under court order or expecting one reached 46, one higher than it is today. \textit{See} AMERICAN CIVIL LIBERTIES UNION FOUNDATION, STATUS REPORT—THE COURTS AND PRISONS (Feb. 20, 1986).
\textsuperscript{11} Id.
\textsuperscript{12} Howe, \textit{Sheriff Seeks to Use Part of Old Jail as 60-Bed Lockup}, Boston Globe, Apr. 5, 1990, at 45, col. 2.
\textsuperscript{13} Id.
\textsuperscript{14} Taylor, supra note 6, at 65 (statement of J. Michael Quinlan, Chief of the Federal Bureau of Prisons).
\textsuperscript{15} Ajemian, supra note 5, at 18.
\textsuperscript{16} Id.
\textsuperscript{17} \textit{See} Cullen, supra note 10, at 26, col. 1; Howe, \textit{Bellotti Urges Alternative Penalties to Help Ease Prison Overcrowding}, Boston Globe, Feb. 25, 1990, at 24, col. 1 ("by double
than usual" and received "an increase in disciplinary reports against prisoners." By the same token, overcrowding forces inmates to endure suffering not anticipated as part of their punishment, including increased opportunities for sexual molestation, poor sanitation facilitating the spread of disease, and an unnerving lack of privacy leading to a higher incidence of suicide. Overcrowding can even result in inadequate food and clothing for inmates. In some cases, every inch of space in a cell is covered with mattresses or furniture.

Those of us outside prison walls also are put in jeopardy. Overcrowding increases the risk of inmate escape. Overcrowding also forces prison authorities to release prisoners earlier, and even to refuse admission to sentenced convicts. Fourteen states have passed laws providing for the early release of certain classes of prisoners in order to clear space for new convicts. This practice makes prison discipline more difficult because prisoners learn of the practice and feel little incentive to be on their best behavior. Inmates at Hampden prison in Massachusetts mocked the early release program by referring to it as "unearned good time." The famous case of Willie Horton has many less well-known analogs. Inmate Charles Street, who murdered two police officers after his early release from a Florida prison, is only one bunking some of the state's most violent offenders, 'it's predictable that you're going to have some problems.

The most comprehensive study to date on prison violence and overcrowding concludes that overcrowding as an independent factor was an even better predictor of violence than inmate characteristics, which was considered a fairly accurate indicator. Gaes & McGuire, Prison Violence: The Contribution of Crowding Versus Other Determinants of Prison Assault Rate, 22 J. RES. IN CRIME & DELINQ. 41 passim (1984).

In April 1990, inmates engineered a four-day takeover of a major British prison in protest of unlivable conditions, principally due to overcrowding. See Cowdry, Visitors Underline Jail Overcrowding, The Times (London), Apr. 4, 1990, at 2, col. 2; Cowdry, Judges "Need a Lead From Top to Stop Jailing People," id. at col. 1; Cowdry, Remand Prisoner Dies as Riot Crumbles, id. at 1, col. 6; Gledhill, Officials Saw No Hint of Riot in Improved Regime, id. at 2, col. 2; Supsted, Tension Still High in Several Prisons, id. at 2, col. 1.


22. Ajemian, supra note 5, at 18.

23. Id.

24. Id. at 19.
example. President George Bush and others have held the furlough programs designed to ease prison crowding responsible for the recent upsurge in escapes of dangerous criminals and their crime sprees. Candidates for public office, such as Florida Democrat Bill Nelson, turn such incidents into campaign issues to garner votes.

B. Unsatisfactory Solutions

To decry the lack of an effective solution to the prison problem is not to deny that creativity has sometimes been exhibited by those attempting to alleviate overcrowding. In Springfield, Massachusetts, for example, a desperate county sheriff and his posse of seventeen deputies seized a National Guard Armory in order to house prisoners that his jail would not hold. The lesson of this incident is not that local law enforcement agents should be allowed to use force to generate new prison space; rather, Sheriff Ashe's successful coup demonstrates that overcrowding urgently demands a solution.

Some creative thinkers, such as Senator Phil Gramm and current House Republican Whip Newt Gingrich of Georgia, have proposed housing prisoners in tents on prison grounds and military bases. These ideas could work, except that they neither ensure that living conditions will be of acceptable quality, nor acknowledge the enormous expenditures required to fashion such facilities into prisons that provide adequate security.

Yet another proposal attempts to reduce overcrowding by deporting illegal aliens in the prison population. This has not worked in Massachusetts, partly because the sentences for illegal aliens tend to be shorter than the time required for processing deportation paperwork.

Schemes to make probation an alternative to incarceration are appearing. Delaware has designed a five-level probation system aimed at increasing judges' application of probation as a criminal penalty.

27. Ajemian, supra note 5, at 18. Sheriff Ashe drove a prison paddy wagon, with his 17 deputies "huddled" inside, up to the front door of the armory. While the deputies sealed the exits, Ashe strode inside to claim the building from astonished National Guardsmen. "As of this moment," he declared to the military commanders on duty, "I'm seizing this building as a temporary correctional facility. We want to coexist with you here." Swiftly, Ashe commandeered one corner of the armory's huge drill hall. Jeeps and trucks were moved outside. Ten double-deck steel beds were erected on the concrete floor. Two television sets and a Ping-Pong table were set up. Guards were stationed around the clock.
28. Taylor, supra note 6, at 65.
Caught up in the frenzy of his unsuccessful gubernatorial campaign in Massachusetts, candidate Francis Bellotti recommended greater use of probation.\textsuperscript{31} Yet, risk to the public is one reason to eschew solutions that advocate non-penal forms of punishment as substitutes for prison terms.\textsuperscript{32} No matter how effectively innovations in the use of probation replicate the deterrence and retribution function of imprisonment, probation cannot match the restraint of criminals achieved by incarceration.

Creative proposals aside, traditional institutional responses, principally by prison administrators, have also been largely unsuccessful or have had little long-term impact.\textsuperscript{33} States have tried to expedite parole\textsuperscript{34} and accelerate release by reducing sentences for good behavior,\textsuperscript{35} and granting commutations, reprieves, or blanket releases for certain classifications of inmates when a prison reaches "emergency" overcrowding conditions.\textsuperscript{36}

\textbf{C. How We Got Here, and Where We Are Going}

How have we arrived at such a crisis? Two major and related trends, the "war on drugs" and an intensified desire for "law and order" among voters, have increased the number of incarcerations. The public appears to equate imprisonment with getting tough on crime.\textsuperscript{37}

Voters want law enforcement authorities to be tougher on drug dealers and users. Ninety-two percent of the participants in a 1989 Gallup poll wanted stricter penalties for drug dealers. Elected officials across the political spectrum are responding accordingly.\textsuperscript{38} Nationwide,

\begin{itemize}
  \item \textsuperscript{31} Id.
  \item \textsuperscript{33} See Gottfredson, Institutional Responses to Prison Overcrowding, 12 N.Y.U. Rev L. & Soc. Change 259, 267-69 (1985-84); see also N. Morris & J. Jacobs, Proposals for Prison Reform (1974); New York City Board of Corrections, Crisis in Prisons: New York City Responses (1972). Remedies at the state level have been "dominated by quick fixes and faltering steps toward lasting reform." Mullen, State Responses to Prison Crowding: The Politics of Change, in America's Correctional Crisis 79 (1987).
  \item \textsuperscript{34} Mullen, supra note 33, at 99, 101.
  \item \textsuperscript{35} Id. at 101.
  \item \textsuperscript{36} Id. at 101-02; see also Gottfredson, The Problem of Crowding: A System Out of Control, in America's Correctional Crisis 137, 146 (1987). For discussion of a few facially implausible proposals, see id. at 150 ("the Quota Solution"), and 151 ("The Retributive Model" and "The Selective Incapacitation Solution").
  \item \textsuperscript{37} Criminologist M. K. Harris observes that "there is widespread public and official ignorance about and disenchantment with sanctions not involving confinement." Harland & Harris, Structuring the Development of Alternatives to Incarceration, in America's Correctional Crisis 179, 190-91 (1987). See generally Harris, Reducing Prison Crowding and Non Prison Penalties, 478 Annals 150 (1985).
  \item \textsuperscript{38} Colorfully, the text of a campaign commercial by would-be Texas Republican gubernatorial candidate Jack Rains provides a vivid illustration:
    I fought to see that we put a billion dollars into new prison construction. I want to make sure that we have adequate capacity so that violent offenders, those who are threats to society, are not on the streets. I want to put those dangerous people off the streets and out of our faces. I want to treat these
these anti-drug crusaders are creating or reviving statutes that qualify
for prison a wider range of people associated with drugs. Appointed
officials have followed suit. In March 1989, Attorney General Richard
Thornburgh issued a Justice Department policy directive requiring pros-
ecutors to charge "the most serious readily provable offense or offenses
consistent with the defendant's conduct." Representative John Cony-
ers of the House Judiciary Committee observed:

[Former drug czar] William Bennett has now taken the whole notion of
prison building and incorporated it into the drug budget, which is almost
a psychological statement. We have now become so fixated with the
whole concept of imprisoning drug users and sellers and dealers that we
have taken the prison budget out of the Department of Justice and put it
into the drug czar's budget. In other words, in our minds, we have sim-
plistically equated fighting drugs with incarcerating people.

As a consequence, 47.6% of prison inmates are drug offenders,
over three times the proportion of any other type of offender. Moreover,
the proportion of drug offenders in the prison population is still
growing. Nine years ago they constituted twenty-one percent of all
inmates, and in only five years the figure will reach seventy percent.
Drugs account for approximately eighty percent of the recent increase in
prisoners.

The average time served for drug-related offenses will also rise, by
an estimated 126%, largely as a result of the 1986 Anti-Drug Abuse
Act. The average convicted offender, who before the 1986 Act served
23.9 months, will serve 52.2 months after full implementation of the
new mandatory sentencing rules.

In order to solve a broad array of society's ills, public opinion favors
the prosecution of an ever-larger portion of the American population.
The American people currently profess great faith in the criminal justice system. Imprisonment is seen as a panacea, whether the goal is restraint, punishment, deterrence, or rehabilitation. Public pressure for controls on handgun use includes calls for more incarceration. Similarly, public recognition of the seriousness of drunk driving and the efforts of groups such as MADD ("Mothers Against Drunk Driving") have led to a push for mandatory sentences for repeat drunk-driving offenders.

Congress created a new Federal Sentencing Commission in 1984. As a result, according to Judge William Schwarzer, the average time served for federal drug crimes has more than doubled, and long-term imprisonment of drug offenders has increased by a "staggering" proportion. These "law and order" trends show no signs of reversal, especially since President Bush is firmly behind them. "No more revolving door, no more criminals out there on the street because there isn't enough cell space to hold them," Bush declared after a recent tour of the North Los Angeles County Correctional Facility, a new maximum security prison.

D. Fiscal Limitations

The demand for increased prison capacity has run into a fiscal wall. Chronic budget deficits were a major theme of the 1980s and promise to be an even bigger issue in the 1990s. Local, state, and federal budgets all lack the money to build new prisons. Indeed, budget cuts are already hampering the ability of existing prison systems to operate efficiently, and more cuts can be expected; the federal budget deficit as of May 1990 is an estimated $180 billion to $200 billion.

To accommodate our projected inmate population, federal funding earmarked for prisons must increase. It now costs between $50 million and $60 million to build a federal prison in the U.S. for 750 medium-security inmates and 250 minimum-security inmates, or roughly $60,000


50. Taylor, supra note 6, at 65.


52. See Apple, Taxes and Political Peril, N.Y. Times, May 8, 1990, at A1, col. 4. The Bush administration estimates that $45 billion will have to be cut from the budget for fiscal year 1991 in order to meet the mandate to reduce the deficit to $64 billion. Dowd, Bush Eases Stand, Saying New Taxes Can Be Discussed, N.Y. Times, May 8, 1990, at A1, col. 6.

per bed.\textsuperscript{54} Costs for financing, equipment, construction supervision, and architectural, insurance and bid fees may add an extra $2,000 per prisoner, to bring the total to $62,000.\textsuperscript{55} Maintaining one prisoner in such a facility costs $16,987 per year, plus an additional $2,970 annually, per prisoner for Bureau of Prisons staff.\textsuperscript{56} The Sentencing Commission predicts that the federal prison population alone will double by 1997, reaching 109,100.\textsuperscript{57} It is expected to grow to 147,000 by 2002.\textsuperscript{58} With a current federal inmate population of 54,500 in sixty-four federal facilities,\textsuperscript{59} this projection means that 92,500 new beds will have to be provided in the next eleven years. If new prisons are built to accommodate the growth in our prison population, without accounting for inflation and possible net increases in building and maintenance costs, the federal budget will have to yield $5.55 billion to construct the necessary facilities, and nearly $1.6 billion per year to maintain them, excluding Bureau of Prisons staff costs. The latter figure also excludes the additional annual maintenance costs for the prisons already in use, all of which must stay in operation through the next couple of decades. Many are in a state of physical decay,\textsuperscript{60} presenting yet another drain on the budget.

State prisons are even more costly to build and operate. In Massachusetts, for example, each new prison cell costs $125,000 to build and $25,000 a year to operate.\textsuperscript{61} The construction figure probably does not include financing charges, construction supervising costs, architectural fees, and the other extra costs noted above that are usually omitted from federal estimates. These costs together amount to an additional thirty-one to thirty-six percent.\textsuperscript{62} An extra twenty percent should be added to operating costs for staff pensions, vacations, sick leave, and other fringe benefits.\textsuperscript{63} Furthermore, state level corrections officials can do little to limit the costs of increasing state prisoner populations.\textsuperscript{64}

It is unlikely that either federal or state budgets will provide enough money to meet the projected costs of the expanding prison system. At

\begin{itemize}
\item \textsuperscript{54} Interviews with representatives of Facilities Department, U.S. Bureau of Prisons (Jan. 10, 1990).
\item \textsuperscript{55} Studies of prison building in Connecticut suggest that financing charges add another \textsuperscript{10\%} to \textsuperscript{15\%}, architectural fees add about \textsuperscript{8\%}, construction supervision costs add \textsuperscript{2.3\%}, equipment purchases add \textsuperscript{10\%}, and insurance and bid fees add \textsuperscript{1\%}. Clear & Harris, \textit{The Costs of Incarceration}, in A\textit{MERICA'S CORRECTIONAL CRISIS 37,} 39, 41-42 (1987).
\item \textsuperscript{56} Interview with representative of the Public Affairs Department, U.S. Federal Bureau of Prisons (Jan. 10, 1990).
\item \textsuperscript{57} Taylor, supra note 6, at 65.
\item \textsuperscript{58} Id.
\item \textsuperscript{59} Id. Scott Burton, at the U.S. Federal Bureau of Prisons, sets the figure at 56,000. Interview with Scott Burton (May 11, 1990).
\item \textsuperscript{60} See Gottfredson & McConville, \textit{Introduction}, in A\textit{MERICA'S CORRECTIONAL CRISIS 1,} 3 (1987).
\item \textsuperscript{61} Howe, supra note 17, at 24, col. 1.
\item \textsuperscript{62} Clear & Harris, supra note 55, at 41-42.
\item \textsuperscript{63} Id. at 39-40.
\item \textsuperscript{64} Id. at 48.
\end{itemize}
both the federal and state levels, prison systems are not the only programs with claims on the budget. Education and other human services, transportation, defense, the environment and, in the case of the federal government, foreign aid, all compete for funds out of a diminishing budget. Taxpayers are not likely to swallow an overall increase in federal or state spending in order to increase the net amount devoted to prisons. Election campaigns of recent years, including George Bush’s famous “read my lips” line, and popular movements to slash taxes, clearly demonstrate that voters have become increasingly resistant to tax increases.

E. Local Reluctance

Funding is not the only problem, however. Prisoners are pariahs; part of the perceived effectiveness of a criminal sanction is its social stigma. As a result, even when money is available for new prison construction, resistance from local residents often makes it difficult or impossible to site new prisons. The stigma of being a criminal may even be growing, making the location of prisons in American communities commensurately more difficult. Public sentiment favoring the intensification of “law and order” efforts brings with it a heightened distinction between criminals and victims. Belief in incarceration as a remedy for social ills tends to place blame upon the perpetrators of crime. Consequently, the rising prevalence of this belief propagates a view of criminals as outcasts to whom proximity is dangerous. Communities fear that the location of a prison in their area will harm them economically by lowering property values, and the perpetual possibility of escaping prisoners threatens local residents with physical danger.

To summarize, the U.S. prison system is between a rock and a hard place. The war on drugs, mandatory sentencing laws, and already overutilized prisons make finding new space to house prisoners a top priority. At the same time, lack of funds due to huge budget deficits and voter resistance to tax increases make significant expansion of American prison capacity prohibitively expensive, and local resistance makes it difficult to find new prison sites. For practical as well as humanitarian reasons, however, we cannot continue to place prisoners in ever more crowded prisons. Nor can we continue to release them when they are still a danger to public safety.

As demonstrated, we cannot continue to rely on the same old answers to our prison problem. An entirely new kind of solution is our only hope.


II. The Soviet Union: A New Kind of Solution

As is so often the case in our increasingly interdependent world, a seemingly intractable domestic problem becomes solvable when viewed from an international perspective. The U.S. can look abroad to expand its prison system. And what nation is better equipped to house American prisoners than the Soviet Union?

A. Space, Expertise, Need, and Willingness

Housing American prisoners in the USSR is the ideal solution to our prison crisis. Each side has what the other needs: they have the availability of space and inexpensive labor. We have the hard currency that they so desperately need to remedy their grave economic situation. Furthermore, the current political climate between the two countries makes this a perfect time for government-to-government joint ventures. As glasnost and perestroika have opened the Soviet Union to foreign markets and influences, this new thinking has created a new set of opportunities for Americans in the Soviet Union.

1. Space

The USSR has an abundance of space in which to build prisons. Indeed, the Soviet Union contains approximately one-sixth of the world’s land mass, and the Soviet government has at various times used much of that space exactly for the purpose of incarceration. Estimates of the number of Soviet citizens imprisoned in labor camps and prisons during the height of Stalin’s terror, for example, reach into the millions. The Soviet prison population has, of course, dropped dramatically since Stalin’s time, leaving vast amounts of prisons and prison camp space free. As of 1980, the Soviet Union had a total of 1,976 prison camps and 273 prisons. In 1987, amnesty for many prisoners in Soviet camps and prisons decreased the prison camp population by forty percent, and more than 100 of the camps have been closed or converted to less restrictive “treatment-and-labor” facilities. Therefore, the Soviet penal system currently has countless vacancies. While quality and location of these vacancies would most likely make them unsuitable for U.S. prisoners, it is still clear that ample space is available for prison construction.

2. Expertise and Cost Efficiency

Since its founding, the Soviet Union has managed millions of prisoners. This experience has no doubt invested the Soviets with a high degree of expertise in the prison management area. More importantly for the

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68. Id. at 559.
U.S., however, is that this expertise can be bought cheaply. Building and running prisons is labor-intensive. In 1985 labor costs in U.S. federal prisons amounted to nearly $515 million, over half of the entire federal prison budget. The Soviet Union has an abundance of cheap labor. Even more fortunately for the U.S., much of this idle labor force has had military training, good preparation for the types of construction and guard duties integral to operating prisons and managing inmate populations.

3. Need

The USSR has a set of pressing needs that enhance its suitability as host to U.S. prisons. Although financial considerations are only one reason why the U.S. should send American prisoners to the USSR, money will be the primary motivation for the USSR to welcome our prison business. The USSR's economy is in dire shape, and the economic forecast is gloomier every day. "Soviet economic performance was abysmal in 1989—the worst since [Mikhail Gorbachev] took over," according to John L. Helgerson, Deputy Director of the CIA.

One of the most important economic problems of the USSR concerns the lack of hard, or convertible, currency. Since the ruble is not freely convertible, when the USSR wishes to buy any product from the West, it must pay in dollars, marks, yen, or some other convertible currency. However, after years of paying its bills to Western suppliers on time, the USSR currently owes as much as $10 billion to Western and Japanese companies. Four Japanese companies have recently halted exports of steel pipes and machinery to the USSR because payments of $110 million were late. While it is possible that the late payments are due to bureaucratic problems connected with reorganization of the Soviet economic system, a recently published review of the situation in The Economist concluded that "the answer is simple: [the Soviet Union] is running out of hard currency."

This shortage of hard currency comes in part from the dip in international prices of gold and arms, two commodities from whose sale the USSR earns much of its hard currency. However, recent increases in imports of consumer goods from the West also contributes significantly to the shortage. The Soviet economy is desperately short of consumer

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71. 53.6% to be precise. Interview with Scott Burton, U.S. Federal Bureau of Prisons (May 11, 1990).
72. See Keller, Soviet Economy: A Shattered Dream, N.Y. Times, May 13, 1990, at 1, col. 3 ("five years of failed economic nostrums" were "[h]alfway measures" that "have, in some ways, even made the feeble economy worse.").
74. Russia's Latest Queue: For Creditors, ECONOMIST, May 19, 1990, at 75 [hereinafter Russia's Latest Queue].
75. Joseph & Harris, Japanese Halt Exports of Steel to USSR, The Times (London), May 19, 1990, at 17, col. 2.
76. Russia's Latest Queue, supra note 74, at 75.
goods needed to satisfy an increasingly deprived and angry populace.\textsuperscript{77} According to U.S. intelligence estimates in 1989, only 50 of 1,200 basic consumer goods were available.\textsuperscript{78} Meat and sausage are rationed in twenty percent of Soviet cities, while soap and sugar are rationed almost everywhere.\textsuperscript{79} Importing scarce consumer goods such as razor blades, soap, clothing, and cigarettes requires hard currency. As a result of the dollars spent on imports in the past year, the Soviet Union has become so short of hard currency that it has begun to sell many of its national assets, from a collection of valuable wine from the czar's wine cellars\textsuperscript{80} to defense-related technology.\textsuperscript{81} In order to placate the populace long enough to carry out reforms, Gorbachev will have to find hard currency to provide necessary consumer goods to the population.

A joint venture with the U.S. using Soviet workers to construct and maintain prisons for American prisoners would simultaneously serve several of the Soviet Union's needs. First, Soviet officials now tacitly acknowledge domestic unemployment, and the Soviet press openly discusses it.\textsuperscript{82} A leading Soviet economist and Director of Gosplan Economics Research Institute, Vladimir Kostakov, has argued that the USSR has long had a labor surplus.\textsuperscript{83} Kostakov believes that in the near future, as industrial enterprises are pressed to become more efficient and self-supporting, work forces will be cut, some unprofitable enterprises will be shut down entirely, and labor surpluses will increase.\textsuperscript{84} This will be particularly true in the construction industry,\textsuperscript{85} providing an added incentive for the Soviets to look for employment opportunities in construction. Gennadi Yanayev, head of the Soviet National Trade Union Council, predicted that under the new economic reform plans announced on May 23, 1990, unemployment among Soviet workers would triple or quadruple, leaving as many as eight million people out
of work.\textsuperscript{86}

In addition, the thousands of Soviet soldiers who are being pulled out of Eastern Europe will augment the Soviet Union's labor surplus in coming years.\textsuperscript{87} Colonel General Volkhogonov, the Director of the Soviet Institute of Military History, has predicted that the Soviet Army will shrink to one-half or even one-third of its present size by the year 2000.\textsuperscript{88} The shrinkage will further strain the Soviet economy to absorb the additional manpower.\textsuperscript{89} Opportunities in the construction and maintenance of new prisons is a timely alternative for this large pool of military-trained workers in need of jobs. Additionally, in connection with the widespread nationalist movements sweeping many of the USSR's constituent republics, draft evasion and "a mass exodus of junior officers" are currently problems for the Soviet military.\textsuperscript{90} In an attempt to alleviate the problem, a proposal is before the Soviet legislature to allow draftees to perform construction work instead of military service in some circumstances.\textsuperscript{91} All of these factors will make opening up a new sector of construction and prison maintenance employment in the Soviet Union appealing to the Soviet government.

It is, of course, true that the USSR is experiencing a severe housing shortage which demands the full attention of Soviet construction ministries. In response, the USSR has begun an ambitious construction program, under which they hope to build 40 million new houses and apartments by the end of the century.\textsuperscript{92} New private construction cooperatives are allowed to participate alongside state companies, but both groups suffer from a lack of materials.\textsuperscript{93} A joint venture of the kind we propose would help alleviate the shortage of materials, even though it diverts a minuscule proportion of the Soviet Union's resources, by infusing hard currency and American construction specialists. Part of the duties of the American construction engineers who supervise the building of the prisons would be to advise the Soviets on improving produc-

\textsuperscript{88} Id.
\textsuperscript{89} Id.
\textsuperscript{90} Id.
\textsuperscript{93} Id.
\textsuperscript{94} This will be possible due to the proximity of the proposed prison sites to an industrial construction center. \textit{See infra} notes 128-38 and accompanying text. The experience of McDonald's, which has built beef and potato farms and a dairy in order to open a series of fast-food restaurants in Moscow, thereby assuring the quality of its product but also providing considerable technical expertise to the Soviet workers involved, is instructive. \textit{See Ramirez, Soviet Pizza Huts Have Local Flavor}, N.Y. Times, Sept. 11, 1990, at D5, col. 1.
Finally, Soviets will be interested in consulting with the American criminologists and penologists involved in the joint venture. The incidence of crime has risen sharply in the USSR in the past few years.95 Public interest in the crime problem has been spurred by such media reports as "600 Seconds," a nightly Leningrad television news program that gives a graphic look at the day's crimes.

4. Willingness

The Soviet government has already begun to seek Western investment and joint ventures to create new economic opportunities for the country. Since 1987, Soviet politicians and business leaders have systematically encouraged foreign investment in the Soviet Union.96 Gorbachev himself has attempted to drum up joint venture business in speeches to foreign experts and business leaders.97 Before an audience of thousands at Stanford University in June 1990, Gorbachev declared:

[T]he time is approaching when the very principle of alliance-building should change. And its point is unity, a unity that enables us to achieve living conditions worthy of humankind as well as the preservation of the environment, unity in the war against hunger, disease, narcotics addiction, and ignorance. It is in the common interest of our two countries and peoples not to resist this trend toward a new cooperation, but to promote it. And I think that both the U.S. and the Soviet Union, if they understand this and will work together, can decisively contribute to ushering our entire civilization out onto the road of prolonged, peaceful development.98

In the past two years, more than 1,200 joint ventures have been registered in the USSR, including those involving U.S. companies such as Chevron, Johnson & Johnson, Procter & Gamble, and many others.99 Given these varied precedents, coupled with the USSR's need for foreign investment, a joint venture with the U.S. Bureau of Prisons is not an outlandish fantasy.

B. Obstacles

1. Logistical Hurdles

Most of the Soviet Union is a long way from the U.S., even though at one point, the Bering Strait, the countries are nearly contiguous. In the current age of routine jet travel and satellite telecommunications, however, distance ceases to be an obstacle. Indeed, ample precedent has

95. See, e.g., Shchekochikhin, Lichnaya Bezopastnost' [Literaturnaya Gazeta], May 2, 1990, at 11, col. 1 (the author relates his discussion concerning the rising crime rate with a thief incarcerated in a strict regime camp near Veloshlovgrad).
96. See Tedstrom, Western Joint Ventures in the Soviet Union: Problems and Prospects, 32 RADIO LIBERTY RES. BULL., No. 3505-17 (Sept. 28, 1988).
98. Vision of a New World, STANFORD OBSERVER, June 1990, at 8.
been set for transporting prisoners to distant locations. Many states already house prisoners in other states. The District of Columbia, for example, spends $11 million to house about 740 of its prisoners in Texas, Louisiana, and Nevada. 100 Dozens of similar arrangements across the nation have arisen in response to prison overcrowding. 101 Illinois is contemplating sending some of its inmates to Texas, because the Illinois prison system is holding thirty-six percent more inmates than it is designed to hold. 102 One private contractor based in Tennessee is even working on a plan to open a prison in Australia. 103

In terms of travel time, the Soviet Union is not much farther than Washington, D.C., is from Zavala County, Texas. A plane flight from the West Coast to the Soviet Far East 104 lasts approximately fourteen hours; from the East Coast via Anchorage, Alaska, it takes seventeen and one-half hours. 105 This is about half of the thirty-six hours it takes the District of Columbia Corrections Department to transport its prisoners by bus to Texas. 106 Physical distance, at least in terms of prisoner transportation, is not a significant obstacle.

Moreover, no special government agency need be created to handle the escorting of the prisoners to the prison. The Department of Corrections can supply staff to accompany the prisoners while in transit, just as they do now for federal prisoners transported to the U.S. from other countries. 107

In addition, the current level of satellite telecommunications technology makes location even less a factor for information links with prisons. With existing satellite telephone, two-way video, and facsimile technology, inmates and administrators in a prison in the Soviet Far East would be no less in contact with their home communities and the U.S. than prisoners in any domestic U.S. prison.

2. Legal Hurdles

A prison term in the Soviet Union by itself will not violate an American prisoner's eighth amendment rights. In fact, a central benefit of the

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100. Telephone interview with representative of District of Columbia Department of Corrections Communications Office (May 11, 1990). Since February 1990, Washington, D.C. has paid the Zavala County Detention Center in Crystal City, Texas $46.50 a day per inmate to house 226 of the convicts who will not fit in D.C. jails. See Karwath, State Is Cool To Private-Prison Plan, Chicago Tribune, Apr. 1, 1990, at 1, col. 2.

101. See Karwath, supra note 100, at 1, col. 2.

102. The Director of Illinois Corrections says, "We're willing to review anything and everything." Id.

103. Id.

104. The Soviet Far East is where this Article proposes that prisons be located. See infra notes 124-26 and accompanying text.

105. Flying times are extrapolated from Los Angeles to Seoul and New York to Seoul flying times. Interview with Korean Air reservation agent (May 11, 1990).

106. Interview with Greyhound reservation agent (May 11, 1990). Prisoners have been transported both by bus and by air to this location.

Soviet-American prison project is that it will remove prisoners from prison conditions in the U.S. that are at present unconstitutional under the eighth amendment.\textsuperscript{108} \textit{Logan v. U.S.}\textsuperscript{109} extended to prisoners the right to be free from cruel and unusual punishment. Since 1973 courts have refined the definition of cruel and unusual to include the degree of crowding that fosters assaults,\textsuperscript{110} spread of disease,\textsuperscript{111} idleness,\textsuperscript{112} and loss of privacy.\textsuperscript{113} Not all of these effects must be shown to meet the "totality of conditions" test set up by the Supreme Court in \textit{Bell v. Wolfish}.\textsuperscript{114} Although courts have not yet deemed unconstitutional the practices of double-bunking and the use of defunct jails and other buildings not intended to be prison facilities, these practices can create conditions that are inhumane to the point where they cause suffering not intended as part of the inmates' punishment. Courts may eventually find that these practices by themselves are "cruel and unusual."\textsuperscript{115} Two federal appeals courts have already bypassed the "totality of conditions" test and used a simple "space per prisoner" standard to invalidate the assignment of two inmates to a cell of thirty-five to forty square feet for more than ten hours a day.\textsuperscript{116}

Crowding is not the only failure of our prisons to which courts have applied constitutional standards. An insufficient number of personnel, principally guards, has been found to be a factor in determining whether prison conditions violate the eighth amendment.\textsuperscript{117} Also, an inadequately staffed medical facility within a prison has been found to violate

\begin{thebibliography}{99}
\item[108.] U.S. \textsc{Constitution} amend. VIII.
\item[109.] 144 U.S. 265 (1892).
\item[114.] 441 U.S. 520 (1979).
\item[115.] U.S. \textsc{Constitution} amend. VIII. An eighth amendment critique of current trends in the American prison system is not preposterous. Those against capital punishment have used the cruel and unusual punishment clause to argue that the death penalty is unconstitutional. \textit{See}, \textit{e.g.}, Rigsby, \textit{Cruel and Unusual}, Harvard Salient, Mar. 1990, at 13, col. 1.
\item[116.] \textit{See} Battle \textit{v. Anderson}, 564 F. 2d 388, 395 (10th Cir. 1977); Detainees \textit{v. Malcolm}, 520 F.2d 392, 395 (2d Cir. 1975).
\item[117.] \textit{See} Ruiz \textit{v. Estelle}, 679 F.2d 1115 (5th Cir. 1982); Hoptowit \textit{v. Ray}, 682 F. 2d 1237, 1249-50 (9th Cir. 1982).
\end{thebibliography}
the eighth amendment when inadequate medical care constitutes delib-

In contrast, conditions in the cooperative prisons there will not fos-
ter assaults, spread disease, encourage idleness, or obviate privacy for
the prisoners. It is far more humanitarian to offer prisoners the option
to leave the overcrowded, dirty, dangerous prisons they currently
inhabit and to serve their sentences in more spacious, less crowded,
cleaner new prisons, in the USSR. By locating our prisons in specially
built or refurbished prisons in the spacious USSR, where materials cost
less, the U.S. can provide bigger cells for its prisoners. And since skilled
labor is cheap in the USSR, the Soviet-American prisons can provide
more surveillance and care at lower cost. More space, more surveil-
lance, and more care per prisoner will afford inmates less opportunity
to infect, murder, and sexually molest fellow prisoners.

Simply because the plan is cost-efficient and will save the U.S. mil-
lions of dollars does not mean it smacks of crass commercialism. True,
monetary concerns alone should not shape prison policy, but the recent
and quickly increasing use of prisons run by profit-making private con-
tractors\footnote{See, e.g., Karwath, \textit{State Is Cool To Private-Prison Plan}, Chicago Tribune, Apr. 1, 1990, § 2, at 1, col. 2 (describing the arrangement between Washington, D.C. and the for-profit Zavala County Detention Center in Texas).} demonstrates that housing prisoners through commercial
contracts is reasonable and cost-effective. Private prisons currently
house about 10,000 of the total one million American prison inmates.\footnote{State use of for-profit, private companies to find accommodations for excess pris-
ioners is increasing. For example, the Illinois Department of Corrections is consider-
ing a proposal by Diversified Municipal Services Inc., a private, non-profit enterprise
based in Lebanon, Indiana, to contract with Diversified to build an $11 million, 336-
bed medium security prison in Wayne County, Illinois. \textit{See id.} Most of the private prisons have arisen in the last six years,
but have housed a relatively constant proportion of the U.S. prison population—
about one percent. \textit{See} McConville, \textit{Aid From Industry}, in \textit{AMERICA'S CORRECTIONAL
CRISIS} 221, 233-34 (S. Gottfredson & S. McConville eds. 1987); \textit{see also} J. Mullen, K.
Chabot & D. Carrow, \textit{The Privatization of Corrections} (1985); S. McCon-
ville & E. Williams, \textit{Crime and Punishment: A Radical Rethink} (1986); C. Camp
& G. Camp, \textit{Private Sector Involvement in Prison Services and Operations}
(1984).}

\footnote{The company is Corrections Corporation of America, a Nashville company. \textit{See} Karwath, \textit{supra} note 119, § 2, at 2, col. 1.}
3. **Harmful Side Effects**

Will locating some U.S. prisons in the Soviet Union take jobs away from Americans? Of course, if those prisons would otherwise have been built in the U.S. and staffed with the same number of personnel, then American jobs would decrease as a result of positions occupied by Soviets in U.S. prisons in the USSR. Housing American prisoners in the Soviet Union would not necessitate the closing of existing U.S. prisons or even the end of construction of U.S. prisons at home. A proliferation of American prisons in the U.S. can continue according to present plans because the need for prison space will continue to outpace our facilities. Also, creating a prison program in the USSR will create new jobs and open up new markets for Americans.\(^{122}\)

Most important to remember, however, is that the prison crisis forces some hard choices in the process of finding a solution. Tradeoffs will constrain many decisions. The fact is, unemployment in the U.S. is a less serious problem than the adequacy of prison facilities. Even if a few American jobs are sacrificed in the creation of a solution to the prison crisis, the benefits will far outweigh the costs.

4. **Soviet Objections**

The prospect of hosting a population of dangerous foreigners on their home turf may disquiet the Soviets. Residents may anticipate a risk of escaping prisoners and fear for their safety. Plans by foreigners or foreign companies to buy or lease land in the USSR have sparked grassroots protests in the Soviet Union, but these protests have in large measure been concerned with the sanctity of Russian land.\(^{123}\) Consequently, we propose that the new prisons be located in an area of the Soviet Union that is not traditionally Russian, in order to diminish the potential for such protests.

Other Soviet citizens may protest that using Soviet territory and labor to host U.S. prisons will damage the image of the Soviet Union as it strives to become a more democratic and less authoritarian state. It is important to be sensitive to these concerns and to work to allay them. Special attention will be paid, of course, to security in the building and maintenance of the prisons. In addition, throughout the negotiation phase of the Soviet-American agreement and during construction, the U.S. State Department should issue public announcements through the Soviet Foreign Ministry emphasizing the venture's economic benefits to the Soviet Union. The announcements can mention the creation of jobs, the beneficial presence of specialists who will work to improve local construction, transportation, and distribution systems, and the disincentives for prisoners to escape that the location will provide.

More creative Soviet observers might criticize the placing of American prisoners in the USSR by making an analogy to the undesirable

\[^{122}\text{See infra notes 142-61 and accompanying text.}\]
\[^{123}\text{Interview with Vladimir Sloutsky, Moscow resident (May 26, 1990).}\]
practice of international toxic waste dumping. They might argue that a cooperative prison project exploits the Soviet Union by allowing the U.S. to unload “contaminated goods” on Soviet turf. This objection is as inaccurate as it is unfair to the prisoners, who, while they are often thought of as something to be gotten rid of, are human beings who deserve to be treated with dignity. Moral considerations aside, the prisoners pose neither short-term nor long-term contamination problems. They are more containable than toxic waste and will return home when their sentences are completed.

III. The Proposal

Expanding the U.S. prison system into the Soviet Union is more than just a good idea, more than a pipe dream. It is feasible in every detail. It will not only solve the U.S. prison crisis, but will provide the U.S. a foothold in a rapidly developing area with a relatively untapped market. Because the project is beneficial to both sides, consensus should be easily achieved on the logistical, jurisdictional, and financial aspects of the project. Here is how it will work.

A. Location: Discovering Nakhodka

The prisons would be located in or near the port city of Nakhodka, a city whose name, not inappropriately, means “discovery.” It is located in an area of the Soviet Union called Premorskiy Krai, or “Maritime District,” in the Soviet Far East, not far from Vladivostok and the North Korean border. It is a town of approximately 400,000, located adjacent to a 4.6 kilometer by 1.8 kilometer bay which lies nestled between Cape Astaf’ev and Cape Shifner. The terrain is primarily rolling hills and scrub oak. Although the area around Nakhodka has been part of the Russian Empire since 1860, Nakhodka itself was founded only in 1951, making it a relatively new town. The primary industries of Nakhodka are fishing and shipping.

One of the reasons Nakhodka is a center for shipping, and one reason that it is an excellent spot for siting U.S. prisons, is that it lies at a crossroads. Just across the bay is Port Vostochniy (Eastern Port), which is the eastern terminus of the Trans-Siberian Railway. It has a ship repair facility, a fish processing factory, and a factory where cans are made for fish canning. Nakhodka handles the highest volume of petroleum shipping in the Soviet Far East. It is a big import-export center for shipping to other parts of the USSR, such as Chukotka and

124. While Siberia comes to mind more readily as a natural place to put or renovate prisons, it is, in fact, not the ideal choice. Siberia is too distant from population centers, the Soviet labor supply, and construction materials.
127. Id.
128. Id.
129. Id.
Kamchatka, and to other countries, especially Japan, the Southeast Asian states, and Australia. It is a thoroughfare for goods in transit between Europe and Japan and a primary route for trade and commerce to and from Mongolia. The port and moorings of Nakhodka have been specially equipped to handle heavy traffic. It is also easily accessible, either by air through the international airport in Vladivostok or through the city of Khabarovsk to the north, and during the summer by scheduled passenger ferries from Yokohama, near Tokyo. Nakhodka is seventy-five miles from Vladivostok, the major population center of the Far East, which is a center of fishing, shipbuilding, and construction. Vladivostok can supply any labor not found in Nakhodka for construction and maintenance of the prisons, and it boasts a strong construction industry that specializes in the production of reinforced concrete and precast panel, materials ideal for building prisons. Any materials not locally available can be shipped easily, either by sea from Asia or across the Trans-Siberian Railway from other parts of the Soviet Union.

In addition, the character of Nakhodka is already quite international and welcomes foreigners and foreign investment. Local fishermen travel all over the world on fishing trawlers, and foreign crew members from transport and cargo ships often come ashore in Nakhodka. In addition, the indigenous people of the region are of differing nationalities; there are Russians, Koreans, and members of several smaller nationalities. These factors combine to give the residents of Nakhodka a considerably less provincial picture of the world than one might expect. The diversity will foster the acceptance of the prisons into the regional economy, and the assimilation of long-term American employees into the local culture.

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130. Id.  
132. Id.  
133. Id.  
134. Id.  
135. See Sneider, Vladivostok and the Soviet Far East: Still Closed, or Open for Business?, Christian Science Monitor, Sept. 27, 1990 (The World), at 10, col. 1. Until 1988, Vladivostok, a major military port for the Soviet Navy, was closed to foreigners; however, that status has now changed. Id.  
136. Id.  
138. In 1988 ships from 35 nations made port calls in Nakhodka. Atkinson, The USSR and the Pacific Century, ASIAN SURV., July 1990, at 633; see also Sneider, supra note 137, at 10, col. 1 ("[F]oreign vessels all call at the port of Nakhodka.").  
139. Interview with John Winsky (May 29, 1990). Mr. Winsky lived in Nakhodka for one and one-half years while working for the Marine Resources Company, International.  
140. Id.
Perhaps more importantly, Nakhodka is already booming with foreign investment and would welcome more. SovAm, a division of Marine Resources Company International, maintains a permanent office in Nakhodka staffed jointly by Soviets and Americans.\textsuperscript{142} SovAm represents North American and European manufacturing companies in the USSR, primarily in the forestry and fisheries industries and in marine transportation; it is the only permanent Western business office in the eastern part of the USSR.\textsuperscript{143} Asian firms, on the other hand, have begun to move quickly into the port and the surrounding area. Since 1980 Japanese businessmen have been "pouring investments into this region,"\textsuperscript{144} and the Japanese government has established a consulate there.\textsuperscript{145} South Korean firms, notably the Hyundai Corporation, have signed contracts with Soviet firms to operate joint ventures to make furniture for both export and Soviet domestic consumption, and to repair ships in Nakhodka.\textsuperscript{146} North Korea is negotiating a joint venture with Soviets in Nakhodka to process ginseng.\textsuperscript{147} China is already operating a joint venture restaurant there.\textsuperscript{148}

Soviet officials themselves have big plans for the Vladivostok-Nakhodka area, and these plans hinge on foreign investment. On October 24, 1990, Nakhodka became a "free economic zone," in which joint ventures function under more liberal operating regulations and pay lower rates for the use of Soviet natural resources and labor.\textsuperscript{149} The free economic zone includes Vladivostok and Khabarovsk,\textsuperscript{150} across the Amur River from the northern tip of Manchuria. The principal features of the plans for the region are the development of marine resources off the coast of Vladivostok, the processing of forestry and marine products in Nakhodka, and an expanded tourist trade.\textsuperscript{151}

Expansion of the Soviet Far East infrastructure, a key feature of the current development plan, will make Nakhodka more useful as a site for U.S. prisons. The plan aims to increase electricity generating capacity

\textsuperscript{143} Id.
\textsuperscript{144} Kvint, supra note 125, at 93.
\textsuperscript{147} Butler, supra note 146, at XI.
\textsuperscript{148} See id.
\textsuperscript{149} Nakhodka's Plans as a Free Economic Zone, TASS, Nov. 2, 1990 (LEXIS, Nexis Library, Tass File) [hereinafter Nakhodka's Plans]; see also Atkinson, supra note 139, at 630-31.
\textsuperscript{150} Nakhodka's Plans, supra note 149.
\textsuperscript{151} Id.; see also Soviet and Foreign Architects Face-lift Far Eastern Towns, TASS, Dec. 25, 1990 (LEXIS, Nexis Library, Tass File).
from current levels of 40GW to 110GW over the next fifteen years.\textsuperscript{152} It also stresses the creation of air links such as the ones in the works between Khabarovsk and Seoul,\textsuperscript{153} and Khabarovsk and Anchorage.

The Soviets are serious about implementing their development plan. To promote the idea, Soviet officials recently organized a meeting of Soviet, Japanese, and South Korean delegates in Vladivostok.\textsuperscript{154} What is more, the purpose of the current proposal is one tightly linked to an urgent area of reform of the Soviet economy—turning the ruble into a convertible, and thus international, currency.\textsuperscript{155}

Finally, the Soviet government wants to integrate the Soviet Far East with the Pacific Basin, “the world’s most dynamic economic region.”\textsuperscript{156} The Pacific Basin area is projected to be the fastest growth area in the world during the next several decades. Soviet plans to integrate the Soviet Far East into the Pacific Basin\textsuperscript{157} will stimulate all Soviet ports in the area to some degree. Transportation and communication links will multiply and grow stronger.

Notwithstanding its location at a transportation crossroads in the Far East, Nakhodka is remote from territory, people, and transportation networks that could help American prisoners escape confinement. The language barrier, lack of familiarity with the region, and sheer facts of geography are built-in disincentives to escape, not provided by any prison back home.\textsuperscript{158}

Not only do all of these factors make Nakhodka ideally situated to host new U.S. prisons, but the dynamic nature of the region demands that the U.S. be a part of its development. Indeed, while the SovAm office is the only American presence in the Soviet Far East at present,\textsuperscript{159} thirty-six members of the U.S. Congress, recognizing the business opportunities in the area, petitioned Secretary of State James Baker in

\begin{itemize}
  \item \textsuperscript{152} See Butler, supra note 146, at XI (“[Current plans] include a new nuclear plant, more large hydroelectric stations, a 100W tidal power station, a vast increase in gas-fired generators, as well as a 50 percent increase in coal burning, even though coal’s share of power generation is to drop from 80 percent to 50 percent.”).
  \item \textsuperscript{153} See id.
  \item \textsuperscript{154} The Soviet Foreign Economic Relations Ministry sponsored the conference, held April 9 through 11, 1990. North Koreans and Chinese were invited, but did not attend. See Other Reports on International Relations, SUMMARY OF WORLD BROADCASTS (BBC), Weekly Economic Report, Apr. 27, 1990, at SU/Wo125/A/1 (LEXIS, Nexis Library, Current File) (Soviet officials “expressed hope for South Korean participation in the construction of the infrastructure and development of the Vladivostok special economic zone.”).
  \item \textsuperscript{155} Kvint, supra note 125, at 92; Nakhodka’s Plans, supra note 149.
  \item \textsuperscript{156} Butler, supra note 146, at XI.
  \item \textsuperscript{157} Id.
  \item \textsuperscript{158} Should an inmate manage to escape from one of the joint venture prisons, his options would be fairly limited. He could travel north, into Siberia. He could travel west, into China. He could travel southwest, and he would end up in North Korea. South or east would take him directly into the Sea of Japan. Of course, it is conceivable that he could jump a cargo ship, but even in that unlikely event, he would probably end up in Japan, Hong Kong, or North Korea, all areas from which it would be difficult to make his way home unobtrusively.
  \item \textsuperscript{159} See supra note 143 and accompanying text.
\end{itemize}
April 1990 to open an American Consulate in the Far East.\footnote{See Westerners Seek U.S. Consulate in Soviet Far East, supra note 145. The most likely site for the consulate would be Khabarovsk, a city 14 hours by train to the north of Nakhodka. Alaska Airlines has announced it will begin air service to Khabarovsk and Magadan beginning June 17, 1991. See Worldwide, Wash. Post, Jan. 6, 1991 (Sunday Travel), at E1, col. 1.} Awakening American interest in the Nakhodka region is a further signal of its great potential for economic growth and the advantages to the American economy pursuant to a growing American presence in that area.

B. Jurisdictional Status

The terms of the Soviet-American prison project should be spelled out in an executive agreement, eventually to be signed by the President and submitted to Congress for approval.\footnote{On the nature of executive agreements, see Tomain, Executive Agreements and the Bypassing of Congress, 8 J. INT'L L. & ECON. 129, 129-39 (1973); Schmitt, Separation of Powers: Introduction to the Study of Executive Agreements, 27 AM. J. JURIS. 114 (1982); Rovine, Separation of Powers and International Executive Agreements, 52 IND. L. J. 407 (1977); McDougal & Lans, Treaties and Congressional Executive or Presidential Agreements: Interchangeable Instruments of National Policy, 54 YALE L. J. 181, 181-351, 534-615 (1945).} The U.S. Secretary of State, assisted by the Department of Corrections, will negotiate the terms with either the Foreign Minister of the Soviet Union or the Foreign Minister of the Russian Republic, which controls the territory in which Nakhodka is located.\footnote{17 GREAT SOVIET ENCYCLOPEDIA, supra note 126, at 312.}

The rules for determining whether Soviet or American law applies to the prisoners will depend on whether the prisoners are inside the prison compound or have escaped. American constitutional law protects the prisoners' rights at all times while they are inside the prison compound. Prisoners will enjoy full recourse to American attorneys and the U.S. court system to redress infringements of their federal constitutional rights.\footnote{The prisons will be equipped with telecommunications facilities available to all prisoners for conversations with attorneys either in the U.S. or in American law offices in East Asia. See supra note 107-08 and accompanying text. Prisoners may initiate habeas corpus petitions this way, to protest any violation of their constitutional rights. See Fay v. Noia, 372 U.S. 391 (1963).} If prisoners commit acts while inside the Nakhodka prison defined as crimes under U.S. law, they are subject to trial and punishment for these crimes according to U.S. law.

The American prisoners will have a special legal status within the territory of the USSR, defined by the terms of a "prisoner visa" which the Soviet embassy in Washington will issue to each inmate. The cooperative agreement will stipulate that the Soviet Union initially has the right to deny a visa to any prisoner proposed by the U.S. The terms of the prisoner visa will be analogous to those in the current Soviet tourist visa, in which the holder of the visa is restricted to the cities named on the visa and the transit necessary to enter and exit those cities. The holder of the prisoner visa, however, will be restricted not to a city, but to the tract of land covered by the prison site to which he is assigned.
Any prisoner who escapes from the prison will be in violation of his visa restrictions, thereby providing a legal basis for Soviet authorities to apprehend, arrest, and if they so choose, to prosecute and imprison or deport him. The Soviet-American agreement will contain an extradition clause delegating the authority to Soviet officials to deport American prisoners directly to the U.S. in case of escape or attempted escape. The Soviet Union officials may also elect to revoke any prisoner’s visa for crimes committed under U.S. law on the prison compound, such as attempted bribery of guards or drug trafficking. The agreement can also include a stipulation that prisoners who have escaped or attempted to escape will be barred permanently from further participation in the cooperative prison program.

In the unlikely case that an American prisoner escapes and commits an act defined as a crime under Soviet law, Soviet authorities will have the right to subject the prisoner to the full Soviet legal process. Such rights shall include prosecutorial investigation with the cooperation of American officials stationed at the prison, detention in Soviet jails, trial in Soviet courts, and imprisonment in Soviet prisons. The Soviet-American agreement will provide, however, that in such cases an American officer will have the right to visit the prisoner in Soviet detention and prison facilities, to observe all trial proceedings, and to be kept fully informed of the status of the case as it proceeds through the Soviet judicial and penal system. Alternatively, Soviet authorities may elect to extradite American prisoners who commit crimes outside the prison compound. However, it will be written into the agreement that should an escaped American prisoner cause damage to property or persons in the Soviet Union, the Soviet government, Soviet citizens, and their agents will not be allowed to sue the U.S., the Bureau of Prisons, or any other U.S. entity for damages in American courts.

All the guards in the prison will be Soviet citizens. While inside the boundaries of the cooperative prisons, the guards will be subject to a Code of Conduct, which will govern the behavior of the prison staff. This code provides standards for behavior as well as administrative sanctions for violations of those standards. As in all U.S. federal prisons, Soviet staff members who commit acts within the prison compound defined as crimes under American law will be subject to the administra-

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164. The Soviets have little to gain, of course, by trying and imprisoning escaped American prisoners rather than deporting them. However, the mere possibility of incarceration in a Soviet prison, which would likely have far fewer of the amenities than U.S. prisons (though, of course, it would offer a more intensive cross-cultural experience), might well be the most significant disincentive to escape in the entire cooperative prison program.

165. The U.S. armed forces use similar arrangements for military bases in Europe, as provided for in “Status of Forces Agreements” negotiated with each country. Interview with Colonel Tommy Osborne, U.S. Army Commander and Fellow at the Harvard Center for International Affairs, Cambridge, Massachusetts (Sept. 28, 1990).

166. For an extant U.S. Code of Conduct for prison staff, see Lorton Regulations Approval Act of 1982, D.C. Act 4-224, 29 D.C. Reg. 3484 (Aug. 6, 1982).
tive sanctions in the Code of Conduct. A provision to this effect in the Soviet-American agreement will give the necessary authority to the American warden stationed in the prison to fire any Soviet guard caught engaging in bribe taking, drug dealing, smuggling, or murder. In addition, the Soviet-American agreement will provide that Soviet guards are also subject to criminal prosecution under Soviet law for acts committed inside the prison area that are defined as crimes under Soviet law. Drug dealing, smuggling, murder, and homosexual activity are all crimes in the Soviet Union.

C. Personnel: Construction and Maintenance

Construction of the prisons would be carried out with Soviet construction workers, drawn from Nakhodka, Vladivostok, and the surrounding area. These workers would be employed either by a USSR state enterprise or by private cooperatives, depending on how agreement with the Soviet government is reached. The workers would be under the direction of American technical specialists working under contract with the U.S. Bureau of Prisons. Needed construction materials would be produced in Vladivostok, and any which were unavailable would come either via the Trans-Siberian Railway or by ship to Nakhodka.

The American contractors would have a dual role. While their primary task will obviously be to supervise construction of the prisons, they will also serve as technical advisors to the local construction authorities and the companies who are carrying out the construction, in order to aid the Soviets in improving the efficiency and design of new construction in the Nakhodka area. The opportunity to get in on the ground floor of the rapidly developing Nakhodka/Pacific Rim economy, in which potentially profitable joint ventures can be organized, will provide incentive for American companies to give below market bids for the contract. In order to further reduce costs, just outside of Nakhodka, there is already a 1200-1500 bed prison which could potentially be refurbished to hold American prisoners. The displaced Soviet prisoners could be moved to one of the many prisons that have recently been closed in the area.

After each prison is constructed, it will be staffed by Soviet guards, cooks, and other maintenance staff, under the supervision of an American warden and an American administrative staff. The prisoner-to-guard ratio would be approximately three to one, which is greater than might be expected in a domestic U.S. medium-security prison. A staff

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168. The prison is located in conjunction with a transit camp for up to 2000 inmates who work on construction projects. Since the present proposal focuses on prisons and not on prison camps, we anticipate that the camp space will be left empty. See A. Shifrin, supra note 69, at 375.
169. Id.
170. In New York State, for example, the ratios are 3.5 to 1 for maximum-security prisons, 2.5 to 1 for medium-security prisons, and 2.1 to 1 for minimum-security prisons. Clear & Harris, supra note 55, at 45.
of interpreters would also be available, although Russian language train-
ing for the American staff and English language training for the Soviet
staff would be part of the employment contract and would be included
in pre-employment training.

The American staff members will spend tours of duty of two years
or more, similar to those spent by Foreign Service Officers in U.S.
embassies and consulates. Obviously, provision will have to be made for
adequate rest and recreation opportunities for the American staff, but
this is no different from the situation for Americans stationed overseas
in any country. Fortunately, the Nakhodka area, while not a resort
center, is relatively rich in opportunities for the American staff. The
abundance of forests and beaches make hiking, sailing, and other out-
door activities possible, at least during the summer. Ice skating and
cross-country skiing would be possible during the winter months.
Nearby, Vladivostok offers much in the way of recreation, including a
drama theater, a puppet theater, a symphony, a circus, museums,171
and many sporting events. Tokyo beckons with still more to do and see and
is accessible by a two-day ferry ride from Nakhodka. Osaka and Seoul
are accessible by aircraft and offer additional opportunities for rest and
recreation.

D. Communication

While the prisons will be located some distance from the continental
U.S., prisoners in these facilities will be no more isolated from American
society than if they were incarcerated in the U.S. The prisons will be
equipped with satellite-linked telephones, daily newspapers through
dedicated fax lines,172 and satellite television, which will offer simultane-
ous contact with American culture. Slow-scan video links, in which
video images which change every ten seconds and voices are carried

of Dal’zavod (a large enterprise in Vladivostok) can probably be safely missed. Better
bets might be the Painting Gallery and the TINRO Museum, which features exhibits
of marine flora and fauna, though one would have to visit it to be sure. For a full
description of all of Vladivostok’s sights, plus a detailed account of its revolutionary
history, see VLADIVOSTOK: SHTRIKHI K PORTRETU [VLADIVOSTOK: BRUSH STROKES

172. High speed telecommunications technology is becoming commonplace in
other industries. For example, the fashion industry is fully international now and
depends on worldwide communications links. See Hochwender, How Fashion Spreads
Around the World at the Speed of Light, N.Y. Times, May 13, 1990, § 4, at 5, col. 1. The
author states:

Apparel manufacturing now involves high-speed links between peoples of
vastly different cultures and political systems, who interact through facsimile
machines, computers and even high-definition television . . . . High-resolu-
tion computer images, integrated into private satellite transmission networks,
now send fashion sketches between the Far Eastern manufacturing centers
and home offices in the United States.

New designs can be in the stores within 1,000 hours by using video teleconferencing
and a computerized television projection of three-dimensional images via satellite
ground stations in the Pacific Northwest, in the Pacific, and Hong Kong. Id.
over normal telephone lines, will be used for family visits, and VCRs and cameras will be made available for playing and recording more extensive videotape exchanges with relatives. Obviously, all these technologies will also be made available to the American administrators to keep them in contact with their colleagues and superiors in the U.S.

Consultation with attorneys in the U.S. or Asia will be accomplished by two-way satellite television links specially secured for private conversation, to prevent eavesdropping from encroaching on the inmates' attorney-client privilege. Prisoner calls to lawyers will thus remain as confidential as in-person meetings. To ensure even easier access to legal representation, however, the joint venture will include lawyers who maintain regular contact with prisoners, either by personal visits or by telephone, mail, and fax. These attorneys will preferably be from the branch offices of American law firms in Hong Kong, Seoul or Tokyo. Providing free legal services to the American prisoners in Nakhodka is the perfect way to introduce pro bono practice into the dullest corporate work of the growing American law firm branches in the Pacific Basin area.

American prisoners in the joint venture prison need not be starved of personal contact with loved ones, at least no more so than domestic prisoners. Visits of relatives to the prisoners will also be possible, though somewhat more complicated and expensive. Relatives will travel through special agreement on Air Force planes\textsuperscript{173} to Khabarovsk or to Tokyo, and then by rail or sea to Nakhodka.

E. Transportation

Locating our prisons in the Soviet Far East facilitates transportation of prisoners from the U.S. to the prisons. Prisoners will be flown from the West Coast via Honolulu, or from the East Coast or Midwest via Anchorage, on Air Force jets and escorted by U.S. Department of Corrections personnel. The joint venture agreement with the Soviet Union will include direct landing rights for these planes at the airport in Vladivostok, with the prisoners transported the seventy-five miles to Nakhodka by bus.

F. Inmates

Central to this proposal is the provision that inmate participation in the program will be voluntary. No prisoners will be forced to serve their sentences in the joint venture prisons. Instead, a standard one-third reduction in sentence time should be offered to eligible prisoners who agree to be transported to Nakhodka. Those eligible for the program will be prisoners with sentences longer than three years who would ordi-

\textsuperscript{173} Though service to the Soviet Far East will soon be possible from the West Coast via Aeroflot, the possibility must be considered that a better class of service might be obtained on an Air Force transport plane. That would be left to the discretion of the passengers.
arily be housed in medium-security federal or state penitentiaries. The incentive of reduced sentences, combined with the opportunity to avoid the dangerous, overcrowded, unhealthy conditions of crowded U.S. prisons, will no doubt result in a more than adequate number of volunteers. The Department of Corrections may even have to devise tougher selection criteria.

Life in the joint venture prisons will differ somewhat from life in domestic prisons. The international nature of the setting will produce some of the differences. Russian language classes will of course be offered, and soccer will compete with American football as a recreational sport of choice. The interaction of the American inmates and the Soviet guards will be educational for both groups. The broadening effect of the cross-cultural interchange with the Soviet staff and the experience of overseas travel will not be lost on the prisoners.

The prisoners will also be offered employment opportunities, as they are in domestic U.S. prisons. Since the Nakhodka area specializes in fishing and processing marine products, and since the Soviet government is very interested in forming joint ventures that will produce consumer goods or process timber and marine products,174 the most logical form of economic activity to offer the prisoners is work in the canning and processing of fish products. Under the supervision of Soviet and American managers, inmates will perform assembly line jobs in processing plants built into the prisons, in exchange for a percentage of the profits they generate.175 Of course, this program will be voluntary and would enable prisoners to earn money that could be spent through prison canteens and thus benefit the local economy.176 With such a program the prisons would be integrated into the local economy. Both the prisoners and the local residents will benefit from the increase in Nakhodka's fish processing capacity and the resulting attraction of even more attention and contracts to the area.

G. Compensation and Costs

The U.S. is in an excellent position to negotiate a deal at minimal cost. The Soviet Union has little choice but to accept a low-cash deal, despite its need for American dollars. The USSR's financial situation is desperate and its need for foreign investment is acute. The dollar is a strong currency in the USSR. Labor and materials costs in the USSR are much

174. See Nakhodka's Plans, supra note 149.
175. Compensation in the form of time off their sentences would not work as well as piece rate monetary compensation. Profitable enterprises tend to try to keep their best workers, rather than structure compensation to allow them to leave. Also, sentence reduction based on work productivity gives too much judicial discretion to accountants and managers.
176. Whether the prisoners are paid in rubles or dollars will depend on the quality of their production and the contracts obtained by the prison authorities. If the quality is high enough that the products can be sold on the international markets, they would be paid in dollars. If their products can only be sold in the Soviet Union, then they would be paid in rubles.
lower than in the U.S., and labor costs will dip as inefficient Soviet companies close and as the size of the Soviet armed forces is reduced. The U.S. can offer valuable non-monetary compensation to the Soviets, who need technical assistance in housing construction, and in transportation and distribution techniques. Housing is in short supply in the USSR, particularly in the Soviet Far East, where the Soviet government has set housing construction as a top priority.\textsuperscript{177}

It is impossible to know the cost in U.S. dollars of building a prison in the Soviet Union. First and foremost, it is not at all clear what the real value of the dollar is in the Soviet Union. The current official exchange rate, for businesses, is approximately 178 kopeks\textsuperscript{178} to the dollar, or fifty-six cents to the ruble.\textsuperscript{179} The current exchange rate for tourists is not 178 kopeks to the dollar, however, but about six rubles to the dollar.\textsuperscript{180} In other words, one ruble equals approximately sixteen cents. The black market rate readily available in Soviet cities is approximately sixteen rubles to the dollar, or one ruble equals close to six cents.\textsuperscript{181} Therefore, even if we were to calculate the exact cost in rubles of Soviet wages, at an average of approximately 200 rubles per month, plus the costs of materials, transportation, and other necessary elements of prison construction, we would have no realistic way of assessing the cost in dollars. Looked at another way, the approximately $50 million or so we pay for a 750-bed medium-security prison in the U.S. might equal 89 million rubles, 300 million rubles, or 1.8 billion rubles, depending on how it was calculated. Given the uncertain value of the ruble internationally, and the fact that as the USSR moves towards convertibility of the ruble its value will fluctuate widely, it would be preferable to negotiate a deal with the Soviets on a flat fee basis rather than attempt to translate their costs.

The budget for the project might cover both construction and operation costs. The initial construction costs include those for materials and any needed transportation and shipping of those materials, Soviet labor, American supervisors, financing, and administrative and architectural planning. The maintenance costs of the prisons include training, salaries and benefits for the Soviet staff; training, salaries, benefits, and transportation for the American staff; food and other supplies for the prisons; communications; and transportation of the prisoners to and from Nakhodka.

The U.S. can offer three kinds of compensation. Most important is hard currency, in the form of direct U.S. dollar payments. Second, the on-site American construction specialists will provide technical assistance to the local construction authorities on improving the efficiency of

\begin{itemize}
\item \textsuperscript{177} See Butler, supra note 146, at XI.
\item \textsuperscript{178} There are 100 kopeks to a ruble.
\item \textsuperscript{179} Parks, Gorbachev Orders Ruble Devalued by 69\%, L.A. Times, Oct. 27, 1990, at A6, col. 1.
\item \textsuperscript{180} Id.
\item \textsuperscript{181} Id.
\end{itemize}
their production and distribution facilities and their construction techniques. At the same time, these American contractors will gain an important foothold in this part of Pacific Rim development.\textsuperscript{182} Third, the prisons will contribute to the local economy through the money earned and spent by the prisoners and the money brought into the local economy by visitors to the prisons, the American staff, and others involved in the design and maintenance of the prisons. The profits generated by the prisoners' labor would be used to offset some of the maintenance costs such as food purchasing.

We estimate that a deal could be struck with the Soviets whereby the U.S. would pay approximately $30,000 per bed for prisons with single-occupancy cells of sixty square feet each,\textsuperscript{183} an indoor and outdoor exercise facility, and accommodations for the live-in American staff. In exchange for the $30,000, the Soviet Union will provide all the construction labor and materials except construction supervision and architectural design. American contractors will provide construction supervision and architecture plans at approximately another $8,000 per bed. The $8,000 figure depends on the below-market bid that American contractors are likely to make in return for Soviet approval and facilities to conduct independent consulting and business development in the Nakhodka area. Financing, administrative, and other collateral costs would amount to approximately $2,000 more per bed for initial costs. The total cost of the construction part of the deal for the U.S. will thus total about $40,000 per bed, compared to the $62,000 or more it would cost per bed to build a comparable facility in the U.S.\textsuperscript{184}

For maintenance of the prisons, the U.S. would again pay directly, in dollars, approximately $8,000 per year for each prisoner incarcerated in Nakhodka. The $8,000 covers the training and support of Soviet maintenance staff and guards, food, and any necessary ground transportation for the prisoners. In addition, the U.S. will provide an American administrative staff of one warden and five administrative and supervisory staff for each prison, communications (including satellite link, telephone, and fax) for the prisoners and for the U.S. staff, and transportation to and from Nakhodka on U.S. Air Force planes. These collateral costs would total roughly another $2,000 per prisoner per year.\textsuperscript{185} When the fixed Bureau of Prisons staff cost of approximately $2,970 per year is added,\textsuperscript{186} it means that the total cost per prisoner for maintenance would thus approximate $13,000 per year per prisoner, compared to the almost $20,000 it costs in a U.S. federal prison.\textsuperscript{187}

\begin{footnotes}
\item \textsuperscript{182} See supra notes 142-57 and accompanying text.
\item \textsuperscript{183} Experts agree that 60 square feet per prisoner and single-occupancy cells is the ideal standard for prison accommodations. See Mullen, Prison Crowding and the Evolution of Public Policy, 478 ANNALS 35 (1985).
\item \textsuperscript{184} See supra note 55 and accompanying text.
\item \textsuperscript{185} The transportation cost, of course, would be spread out over the length of any particular inmate's stay.
\item \textsuperscript{186} See supra note 56 and accompanying text.
\item \textsuperscript{187} Id.
\end{footnotes}
The savings to the U.S. will be astronomical. Even including collateral costs, each prison will cost one-third less than the cost of a comparable medium-security prison in the U.S. Maintenance costs for each Nakhodka prison will be about thirty-five percent lower than those for a U.S. federal prison. If the project begins with a pilot effort to build eight new prisons by the year 2010, for example, each with a capacity of 1000 prisoners, the immediate savings would be $172 million in construction costs and $56 million in maintenance costs per year. This yields a total of $1,120,000,000 in savings for maintenance alone over a twenty-year period.

Conclusion: Why It Will Work

Everybody will benefit from the project described in this modest proposal. Building prisons and housing U.S. prisoners in the Soviet Union will save the U.S. vast sums of money in a time of huge budget deficits and increasing incarceration and ease the vicious overcrowding in U.S. prisons. It will give the Soviet Union access to crucial hard currency, American expertise in construction management and criminology, and opportunities for the gainful employment of some of its idle labor reserves. American companies in turn will gain access to a rapidly developing area of the world. The American prisoners will gain reductions in sentences and, more importantly, liberation from the deteriorating squalor of our domestic prisons. The Americans on the prison staff will similarly benefit, as they will be working in far less dangerous and crowded conditions. An international comparative advantage solution to previously intractable domestic problems will produce a constellation of economic and practical benefits, not to mention the unique cross-cultural experience that would await everyone involved.188 A prison project could be the crest of a new wave of Soviet-American cooperation, an idea whose time has come.

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188. As, for example, the sophisticated soccer techniques the inmates will learn from playing the Soviet guards.