

Cell Taught, Self Taught: The Chicano Movement Behind Bars - Urban Chicanos, Rural Prisons, and the Prisoners' Rights Movement

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Abstract

This essay places the Chicano Movement at the center of a struggle over prisoners' rights and the construction of carceral states. It chronicles the prisoners' rights movement through the lens of two urban Chicano prisoner activists incarcerated on rural prison farms - Fred Cruz and David Ruíz. It recounts the intellectual and political evolution of Fred Cruz, a native of San Antonio, who promoted social justice by embracing the law, traditions of civic nationalism, and American constitutionalism. It also considers the more politicized path of David Ruíz, a native of Austin and the author of the nation's longest civil rights trial, *Ruiz v. Estelle* (1978-1980). His turn to radicalization linked the legal effort for prisoners' rights with the wider Chicano movement outside of prison walls.

As a study of urban Chicanos incarcerated on rural prison farms, this article demonstrates how geographical dislocation allowed Chicano prisoners to imagine their coerced geographic dislocation as analogous to the ways in which slavery uprooted African communities. In the American southwest, the coerced dislocation of urban minorities meant that rural prisons received a rising number of Mexican American prisoners who carried with them into prison their experience as city dwellers exposed to an urban Chicano radicalism and also as exploited workers for the vast agricultural empire of the Southwest. By offering an analysis of the ways in which Mexican Americans pioneered the prisoners' rights movement in Texas, this article serves as a reminder that Latino/a prisoners constitute an essential cornerstone to social justice movements that confronted the construction of carceral states.

Keywords

prisons, prison labor, prisoners' rights, civil rights, social justice, Chicano movement, urban protest, urban politics, labor, Fred Cruz, David Ruiz, carnalismo, la raza unida

Writing in his diary in 1967, Texas prisoner Fred Cruz weighed notions of punishment, humanity, and state power on the scales of his own sense of civic and social justice.

What about this matter of crime and punishment, anyhow? You can trace it all down through the history of man. You can trace the burnings, the boilings, the drawings, and quarterings, the hanging of people in England at the crossroads, carving them up and hanging them as examples for all to see.

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With a keen knowledge of history and a pressing need to discover humane alternatives to punishment, Cruz asked rhetorically, “What is our society’s idea of justice? ‘Give criminals the same mercy they give to their victims.’ If the state is not kinder, more humane, more considerate, I am sorry I have lived so long.”¹ As a Texas prisoner regularly confined to a darkened solitary cell for days at a time only because he studied the law and hoped to share his knowledge with his fellow prisoners, Cruz sought humane treatment and looked to the U.S. Constitution and the application of civil rights for prisoners. In Texas solitary, guards placed prisoners in a bare and unlit cell, with a steel bunk bed that on many occasions did not have a mattress, had only a hole in the middle of the floor serving as the toilet, all while being placed on a starvation bread and water diet in which guards gave inmates a “full meal” only once every three days. Despite prolonged stays in such miserable solitary conditions, Cruz retained a deep personal conviction and commitment to humane justice and constitutional law, which became the spark that would ignite the subsequent firestorm for prisoners’ rights in Texas.

One of his students and a fellow prisoner activist, David Ruíz, also sought civil rights for prisoners, but his defiance was based less in the hope that the state might act humanely than in his conviction that he served as a “Chicano warrior” imbued by Black Power and Chicano movement traditions that power concedes nothing without a demand.² Born to migrant workers on May 15, 1942, and dying on November 12, 2005, David Resendez Ruíz spent all but eleven of his sixty-four years in captivity. Ruíz was the third youngest of thirteen children born to Carlos Martinez Ruiz and Maria Resendez Ruíz. The family traveled daily from the urban enclaves of Austin, Texas, their home, to surrounding counties to work in the fields of large farmers and farm owners. When times were particularly tough, they would travel as far as Arizona, Colorado, Michigan, Minnesota, North Dakota, Oklahoma, and Wisconsin to find temporary work as “stoop laborers,” but the return trip would always bring them home to the city of Austin.³ Ruiz experienced confinement early in life, at age eleven, when the state consigned him in 1953 to the Gatesville Reformatory School for Boys for stealing from shoeshine and newspaper boys. Like many carceral institutions in Texas, Gatesville was a chronically violent place. Ruiz returned to the same reformatory three times before the state finally tried him as an adult in 1959 for burglary and car theft, a charge for which he was found guilty and sentenced to a term of twelve years.⁴

In his unpublished memoir, “Tough with a Knife, Hell with a Writ,” Ruíz reflected on his stark journey from the streets of urban Austin to the east Texas cotton fields. Ruíz bitterly recounted that he received “several tests of the club and reins” while working and that the “guards did not hesitate to knock a prisoner on the head with a club or reins if he could not stay up with the squad.” Ruíz recalled that the “the fieldwork was brutal” and that as a former city dweller that he “barely made it day to day.” Forced to pick cotton on the grounds of former slave plantations, field labor rendered Ruíz and his fellow prisoners as racialized subjects conditioned as “slave laborers.” “Most guards,” Ruíz observed,

were ignorant and did not know how to act in a humane manner toward the prisoners . . . All guards used degrading language when speaking to or ordering a prisoner. The Chicanos were called “meskins,” blacks were called “niggers,” and whites “old thangs,” with all kinds of sons of bitches added.

For Ruiz, the daily experience of state-orchestrated violence at the hands of guards convinced him that he must walk a path of resistance. “Most guards,” Ruíz concluded,

carried long wood clubs or leather reins to beat the prisoners if they fail to stay up with squad of prisoners working on a line . . . After several months of seeing all such misery, I made up my mind that I would oppose the prison system the only way I knew—by rebelling.⁵

As a study of urban Chicanos incarcerated on rural prison farms, this essay demonstrates that the “criminalization of urban space,” as Heather Thompson named mass incarceration’s contribution to the urban crisis, applies equally as well to Chicano/a populations in southwestern cities.⁶ Indeed, geographic dislocation was especially integral to the politicization of urban prisoners of color who were forced to labor on rural prison farms. When urban youths found themselves forced to work on these rural prison farms, they imagined their coerced geographic dislocation as analogous to the ways in which slavery uprooted African communities.⁷ In the American South and Southwest, the coerced dislocation of urban minorities also meant that rural prisons received a growing number of people who witnessed and were shaped by the urban social protest movements of the late 1960s and 1970s. As recent work on urban politicization during the 1970s has shown, southwestern cities erupted in this era with the politics of social justice stemming from a vibrant Chicano movement.⁸ In urban southwest and midwest neighborhoods, particularly Chicago, Los Angeles, Denver, Albuquerque, Dallas, and San Antonio, a growing Chicano urban movement drew on the experiences of farmworkers during Caesar Chavez’s California and Texas farmworkers strike during 1965-1966. Recent scholarship, particularly newly published studies by David Montejano, Arnolde de León, and Guadalupe San Miguel, has demonstrated that urban youths and college students joined together with gang members, known colloquially as “loco vatos” and “pachucos” (flashy toughs), to broaden the farmworkers “la causa,” or “the cause,” to include urban concerns centered on city-wide racial segregation, urban poverty, police brutality, and demands for local city control and political power.⁹ Drawing on the Chicano movement’s conceptualizations of “la raza unida” (the united people), “carnalismo” (masculine brotherhood) and the revitalization of “Aztlán” (a cultural and historical connection to ancestral pre-Columbian Mexican lands stretching from Mexico to the American southwest), these urban Chicanos fostered a political and cultural movement that connected the economic demands of striking rural farmworkers to the political and cultural second-class status of urban dwellers. Similarly, the prisoners rights’ movement in the U.S. Southwest made connections to “la causa” and fashioned an analogous brand of “carnalismo” (brotherhood) between urban prisoners of color laboring in rural prison fields of hard agricultural labor. Indeed, Ruiz’s and Cruz’s paths from urban criminals, to agricultural rural prison field laborers, to activist pioneers in prisoner’s rights drew upon the urban radical Chicano movement that had erupted in cities across the Southwest.

This essay chronicles the prisoners’ rights movement through the lens of these two Chicano prisoner activists—Fred Cruz and David Ruiz. Their stories provide insight into the complicated and nuanced ways in which Chicano prisoners exposed the hypocrisy of American law, criminal justice, and constitutionalism, even as they grounded their arguments in legal terms and demanded the extension of critical constitutional rights to convicts. It recounts the intellectual and political evolution of Fred Cruz who promoted social justice by embracing the law, traditions of civic nationalism, and American constitutionalism.¹⁰ It also considers the more politicized path of David Ruiz, the author of what had been at the time the nation’s longest civil rights trial, *Ruiz v. Estelle* (1978-1980), whose turn to radicalization linked the legal effort for prisoners’ rights with the wider Chicano movement outside of prison walls.¹¹ By employing the language and ideology of cultural nationalism, Ruiz and his fellow Chicano activist prisoners decried the abuses of the carceral state as the ultimate manifestation of racism, imperialism, internal colonialization, and sexual violence. In response, Ruiz offered a language of resistance grounded in Chicano notions of pride and respect, communal brotherhood (“carnalismo”), and social responsibility.

By offering an analysis of the ways in which Mexican Americans pioneered the prisoners’ rights movement in Texas, this article contributes to new scholarship on the Chicano movement of the 1960s and 1970s that explores the degree to which this movement made possible opportunities for inter-racial organization, particularly between Mexican Americans and African Americans.¹² Recent studies by such scholars as Lorena Oropeza, George Mariscal, and Laura Pulido have moved the study of the Chicano movement beyond what George Mariscal has called

a “narrow nationalistic straightjacket,” toward a broader understanding of *El Movimiento* as both an era of “cultural nationalism” and an opportunity for coalition building and inter-racial solidarity.¹³ On the streets outside of prison, the late 1960s produced a black–brown coalition that simultaneously demonstrated genuine opportunities of inter-racial cooperation as well as some deep-seated moments of conflict.¹⁴ Within prisons, however, the immediate need to fuse black and brown coalitions was made more urgent by the ways in which incarceration rendered both black and brown as literal and legal “slaves of the state.”¹⁵ With the onset of mass incarceration in the mid-1960s, Chicano prisoners in Texas experienced their incarceration through the lens of a shared criminalization against people of color—both brown and black.

By placing Chicano activism at the center of the prisoners rights’ movement, this essay also serves as a reminder that Latino/a prisoners constitute an essential cornerstone of the carceral state’s construction. If the contemporary United States has indeed entered a “new era of Jim Crow,” as Michelle Alexander and others have argued, how should historians approach the history of Latino/as and the American criminal justice system?¹⁶ Since the Attica prison uprising of 1971, the number of Latino/a prisoners has grown tenfold. Caught up in the racial maelstrom of mass incarceration, the number of incarcerated Latino/as nationally leapt a startling 219 percent from 1985 to 1995 (with an average increase of 12.3% each year).¹⁷ While African Americans constituted 50 percent of the 2.2 million U.S. prison population at its height in 2002, Latino/as constitute one in five of all those incarcerated in the United States (20%), while in federal prisons they constitute over one third (40% of all federal prisoners).¹⁸ Half of those (48%) who were convicted of a federal offense were in prison for immigration crimes, thus making the link between immigration and criminalization starkly apparent.¹⁹ Latino men are almost four times as likely to be incarcerated during their lifetime as non-Hispanic white males. Latinas, meanwhile, are incarcerated at twice the rate of white women. Indeed, Latino/as now represent the fastest growing prison population in the United States.²⁰

Few states lead the nation’s racially disproportionate rates of incarceration as much as Texas. While four of every ten Texans in the state’s general population are either African American or Latino, about seven of every ten (70%) Texas prisoners are African American or Latino. Indeed, the number of Mexican Americans who were incarcerated in Texas prisons sharply increased during the era of mass incarceration (post-1965 to present). By 1973, 2,442 incarcerated Mexican Americans accounted for 16 percent of all Texas prisoners. By 1980, however, their numbers more than doubled to 5,168 (20% of all prisoners). As mass incarceration took deep root in American society and politics during the 1980s and 1990s, the number of incarcerated Mexican Americans reached alarming levels. In 2000, Texas incarcerated 38,055 “Hispanic” prisoners, which accounted for more than one-quarter of its total prison population.²¹

As this article contends, a rising number of incarcerated Mexican Americans carried with them into prison their experience as both city dwellers exposed to an urban Chicano radicalism and exploited workers for the vast agricultural empire of the Southwest. Histories of carceral states in the Southwest are inherently intertwined with other histories of migrant workers and immigrant deportation and detention.²² Placing the Mexican American experience and the Chicano movement squarely at the center of the struggle for prisoners’ rights reminds us that black and brown coalitions contested the era of mass incarceration.²³ Indeed, histories of prison and prisoner resistance in borderland states demonstrate that carceral states also serve as institutional instruments of racial oppression against Latino/a populations where borders and borderlands stretch beyond the confines of binary black and white southern Jim Crow allegories.

Fred Cruz: Jailhouse Attorney, Writ Writer, and the Evolution of Prison Constitutionalism

Fred Cruz was born in 1940 and raised in San Antonio, Texas, in a Tejano “barrio” neighborhood that was mired in poverty, crime, and the underground drug trade. As a southwestern city, San

Antonio's Mexican American neighborhoods experienced ideological differences along class lines. On one hand, the New Deal and World War II generation produced a new, rising middle-class Mexican American community who were, in the words of historian Richard García, "ideologically pragmatic, Americanist in its patriotism, and acutely conscious of its civic obligations."²⁴ On the other hand, deep economic inequalities stratified San Antonio between privileged whites, a small number of rising middle-class Mexican Americans, and a majority of poorer Latino/as who were subjected to racial segregation, police brutality, economic impoverishment, and denial of political and legal power. In his local study of the Chicano movement in San Antonio, historian David Montejano described San Antonio in the late 1960s as "the poorest city in the nation" that trapped indigent Latino/a citizens living in the West and southwest sides of San Antonio within a nearly inescapable "internal colonial" condition. Montejano described these stark conditions thusly:

In the late 1960s, unemployment in the west and south side barrios was 12.9 percent, compared to 4.2 percent for the city and 3.7 percent for the nation. Of those unemployed full-time, nearly half (48.4 percent) worked in unskilled or semiskilled service or labor jobs, earning less than \$60.00 a week, or the equivalent of the annual \$3,000 poverty level. Hunger was an issue. Not surprisingly, nearly 80 percent of the heads of households had less than a high school diploma, and slightly more than half (54 percent) were functionally illiterate.

Trapped in this poverty mire, Fred Cruz joined other barrio youths who eschewed the assimilationist ideology of middle-class Mexican Americans and he adopted instead the "pachucos" (flashy toughs) lifestyle that "developed a distinctive linguistic argot, flaunted a colorful dress style, and were aggressive in defending their neighborhoods."²⁵

Cruz's father abandoned the family, leaving his mother, Sarah Arispe Aguilar, to raise Fred and his older brother. Without any means of support, the family remained poor. The Cruz brothers turned toward drugs and then crime as an escape route from poverty. Fred Cruz discovered marijuana at an early age, dropped out of school by eighth grade, and became a heroin addict by age fifteen. Throughout his teen years, he engaged in small robberies to support his growing drug habit. Abusive policing practices and violence also followed his criminal path. The police fired on Cruz's brother and killed him during a botched robbery. In 1957, at seventeen, Cruz engaged in a pistol drawing contest with his best friend, accidentally shooting and killing him. The state did not charge him for this crime, but four years later the courts convicted him on two counts of aggravated robbery, sentencing him to the Texas Department of Corrections (TDC) with a pair of fifteen- and thirty-five-year sentences. TDC sent Cruz to the Harlem prison, a unit near Houston along the Gulf Coast where the fertile ground produced bountiful harvests of sugar cane and cotton (see Figure 1 for Fred Cruz mug shot).

Once at Harlem prison, prison administrators put Fred Cruz, who hailed from San Antonio's urban streets and had never worked as a field-worker, to work as a stoop laborer on a large agricultural prison farm that was once a slave plantation. Unlike prison systems outside of the American South, which de-emphasized prison labor after 1945 and turned increasingly to education, therapeutic practices, sports and radio listening as well as television watching, and warehousing prisoners through idle prison time, southern prison systems retained labor as the key organizing principle of a prisoner's existence.²⁶ By 1940, the last year that the Bureau of Labor Statistics kept such numbers, southern prisons still employed 60 percent of their total inmate population, whereas northeastern prison states employed only 31 percent of theirs.²⁷ In 1940, southern prisons employed 33,272 inmates out of a total inmate population (both male and female) of 53,804 prisoners. Northeastern prison states, however, employed only 9,886 prisoners out of a total prison population of 31,665 (both male and female). In Texas, six-day workweeks

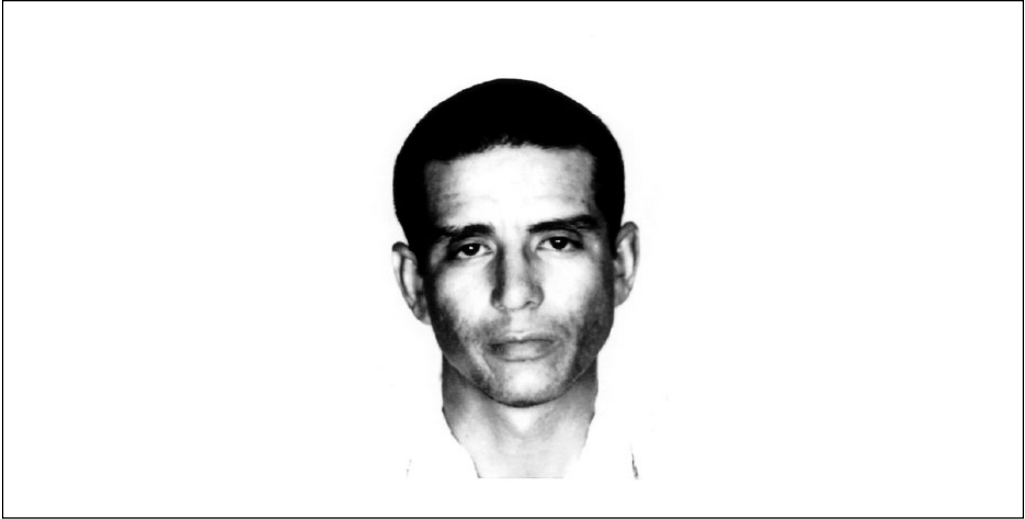


Figure 1. Fred Cruz mug shot.

and ten-hour workdays laboring in agricultural fieldwork cemented Cruz's sentence as a literal "slave of the state" (see Figure 2 for prison guard highrider overseeing prison field labor).

Indeed, the ending of the Bracero program in 1964 was tied to the need to expand prison agricultural labor that might replace cheap, non-unionized guest workers. Among all states that participated in the Bracero program, Texas experienced the nation's largest influx of guest workers, as 40 percent of all the Braceros in 1961 migrated to Texas.²⁸ Bracero programs offered international work contracts that legalized migration labor and racialized temporary foreign labor that was not to be integrated into the American social fabric.²⁹ In her study of "Operation Wetback" and the state-building program of the U.S. border patrol, Kelly Lytle Hernández demonstrates that the state policed "Mexicano mobility" as an international crime rather than as an act of "enforcing the political boundary between the United States and Mexico."³⁰ Mexican American citizens, meanwhile, remained racially connected to braceros and "wetbacks" in the public (white) imagination but as citizens of color they were increasingly subject to domestic patterns of criminalization and imprisonment.³¹ Incarcerated Mexican Americans, especially those from urban enclaves, increasingly found themselves as unpaid agricultural labor on large prison farms.³²

By the late 1950s, Texas prisons had become one of the state's biggest agri-business, so much so that the *County Farmer*, which conducted a statewide poll of agriculturalists and state farmers, recognized Byron Frierson, the prison's agricultural director, as "Texas Farmer of the Year" for 1957.³³ During the 1960s, they increasingly emphasized the cash crop of cotton. By 1962, the prison system yielded US\$2,000,000 from its 10,000 acres of cotton cultivation. In that year, Texas prisoners harvested 12,000 to 14,000 bales of cotton from the system's five gins, which ran twenty-four hours a day and turned out seven hundred bales daily. The increase in cotton production was the key to the system's profitable success. Such high production levels meant that individual inmates picked between two hundred and three hundred pounds of cotton per a day. While the closure of the Bracero program ended cheap, unorganized field labor in Texas, the rise of mass incarceration offered the state an alternative and extremely profitable labor source—a large pool of unpaid prison labor that could toil away in agricultural pursuits over a six-day, ten-hour workweek.

Built on a slave model of agricultural labor, Texas prisons organized their prison system through racial categorization and segregation. Incarcerated African Americans and Mexican



Figure 2. Prisoners picking cotton as prison guard “highrider” oversees prison field labor, 1965 Ramsey prison, courtesy of Bruce Jackson.

Americans worked in racially segregated lines, lived in racially segregated cells and wings, and only white prisoners were held at the prison’s flagship Walls penitentiary. Incarcerated alongside Cruz, fellow Chicano prisoner, Guadalupe Guajardo, experienced racial segregation as a kind of classification that denied individuality. “Really, no integration, none,” Guajardo recalled. “You were Mexican, you were white, you were black, see that’s the way it was.”³⁴ Indeed, prison farms along the alluvial Brazos and Trinity rivers, where sugar and cotton production were plentiful, were filled with Mexican American and African American prison laborers (see Figures 3 and 4 for photographs of Mexican American prison field labor).

While fieldwork and arduous agricultural labor ordered prison existence at the Harlem farm, most of these Mexican Americans hailed from the urban enclaves of Austin, Dallas, San Antonio, and Houston. In 1940, the state population was 45 percent urban and 55 percent rural, but by 1980 the urban population had grown to 80 percent and rural population dwindled to 20 percent.³⁵ Convictions in the 1960s and 1970s were increasingly drawn from these urban populations. By 1970, for instance, the prison population of 14,000 was overwhelmingly populated by former urban dwellers, with the urban areas of Harris (Houston) and Dallas counties alone accounting for 65 percent of all new prisoners (2,536 of the total 3,904).³⁶ Most of these inmates had received little education, lacked job skills, and were young. A 1971 survey of the Texas prison population offered a typically stark, overtly racist, and generally negative view of prisoners that presented them as young, uneducated, products of “broken” homes, and disproportionately a minority prison population:

Of the total population of 16,500, 96 percent were school drop outs, 60 percent (using a strict definition) came from broken homes; 18 percent were illiterate; the average grade level of achievement being the 5th, with an average I.Q. of 80; 20 percent were mentally retarded, almost 1 percent actively psychotic, 40 percent with no sustained record of prior employment, 50 percent under the age of 25; 42 percent Black, 38 percent Anglo and 20 percent Mexican.³⁷

The guard force, meanwhile, was overwhelming white and drawn from kin networks of the local community. During the 1960s, only fifty-one African Americans and thirty-two Mexican Americans were employed in Texas prisons as guards and wardens compared with 2,162 whites.³⁸

Fieldwork in Texas prisons was under the strict control of TDC and it was rarely interrupted by work strikes or prisoner unrest. The Harlem prison, however, was known for its resistance to prison authority as Mexican American prisoners drew on labor protest practices to engage in



Figure 3. Mexican American prisoners planting cotton seeds in field, Ellis prison-1978, courtesy of Bruce Jackson.



Figure 4. Mexican American prisoner picking cotton, Ellis prison-1978, courtesy of Bruce Jackson.

short lived work strikes at least twice during the late 1950s and early 1960s. In both strikes, these prisoners demanded a five-day prison labor workweek rather than the typical ten-hour workday with a six-day work schedule. While the prison administration put down both of these strikes after only one day, Harlem farm maintained a tradition of prisoner resistance among Mexican American prisoners who drew upon labor protest practices. These work strikes were uncoordinated, lacked leadership, and were relatively rare, but given the totality of the work regime these brief moments of collective resistance among Mexican American prisoners suggest a deep undercurrent of discontent.³⁹

While fieldwork controlled inmate labor, a brutal and racialized system of convict guards controlled inmate society. During the day, convict drivers led field labor under the watchful gaze of white armed prison guards atop horses who acted as field overseers. During the night, however, convict guards, called building tenders, maintained control over the prison population within prison walls. These convict guards operated with the full acquiescence of the prison

administration as a cost-saving measure that allowed Texas to have the lowest guard-to-prisoner ratio in the country.⁴⁰ In 1978, the year the *Ruiz* case went to trial, TDC employed one uniformed guard for every twelve inmates, whereas the national average was one guard for every five inmates. TDC “paid” these convict guards by granting earlier release through an accrued system of “good time,” which promised an earlier release from prison as these State Approved Trusties (SAT) earned thirty extra days against their total sentence time for each month served.⁴¹ Moreover, although prisoners, these convict guards were given total control of an illicit commodity exchange, the power to covertly extort other prisoners, and the power to engage in a vicious sex trade where they openly bought and sold other prisoners for the purpose of rape. In exchange for their service to the state, convict guards were openly armed with prison-made weapons and they had full mobility within the prison, as they had access to keys that allowed them freedom of movement.⁴²

Modeled after the slave driver system, building tenders were drawn from the three major racial classifications—“blacks,” “whites,” and “Mexicans”—could become a building tender.⁴³ As Texas prisons were racially segregated, Mexican Americans could become building tenders on their individual cell block, but as the smallest racial group many Mexican Americans lived on white prison wings, which meant that they were typically locked out of the most privileged and prized building tender positions. Moreover, only white inmates served as the prison’s “head building tender,” an inmate whose comprehensive power and influence within prison society was only second to that of the warden or assistant warden. It was this system of sexual rapaciousness, enforced racial hierarchy, and state-orchestrated physical abuse that prisoners confronted during the 1970s through civil rights and legal action.

Within his first year in the Harlem prison, Cruz spent what little free time he had away from field labor on the legal appeal of his conviction. Each prison had a small law library—what prisoners and prison guards referred to as the “writ room” as a reference to the legal practice of writing writs of habeas corpus—but no inmate could retain legal material in his cell. Access to the law library was restrictive and its hours of operation irregular. Despite the limitations of the law library and its scant legal material, Cruz taught himself the law, wrote his own appeal, and acted as his own attorney. Although TDC considered his legal work as “agitation,” fellow prisoners referred to Cruz as a “writ writer.”

As Cruz learned the law, he discovered that there was fundamental shift in American constitutional law as it applied to the civil rights of prisoners. For the first time, prisoners were able to turn to Section 1983 of the 1871 Civil Rights Act to make charges in Federal Court against state prison systems. In *Cooper v. Pate* (1964), the Supreme Court ruled that prisoners could turn to Federal Courts in cases where they could demonstrate that the First Amendment’s protection of free expression, the Fifth and Fourteenth Amendments’ due process clause, and the Eighth Amendment’s prohibition against cruel and unusual punishment were being violated by the conditions of their captivity.⁴⁴

Inspired by the court’s recognition of prisoners’ rights, Cruz’s writ writing soon evolved beyond the effort to appeal his conviction to focus on the conditions of his confinement, particularly the abuses of the building tenders system. Between the years 1966 and 1967, Cruz kept a meticulous record of his daily activities in a hand-written, two-volume diary that recorded every day of his confinement, and his thoughts concerning his legal struggle, his place in American society as the son of Mexican immigrants, and his intellectual and political transformation. In prison, Cruz, who had dropped out of school by the eighth grade, became a voracious reader, devouring both legal and philosophical texts. In 1966 and 1967, his diary records that he had read such works as Jean Paul Sartre’s *Existentialism and Human Emotion*, Martin Heidegger’s *German Existentialism*, texts on Plato and Aristotle, and such contemporary and revolutionary tracts as Frantz Fanon’s *Wretched of the Earth*. In his diary, Cruz made a special note of Fanon’s conclusion: “Violence is a cleansing force. It frees the native from his inferiority complex and from his despair

and inaction; it makes him fearless and restores his self respect.” Cruz considered the kind of “transformative violence” that Frantz Fanon advocated, but he chose instead a non-violent path of resistance through legal confrontation rather than physical force.

Rather than embrace violence despite the harsh conditions of Texas prisons, Cruz instead offered a deeper philosophical and spiritual reflection that gave him the personal fortitude to withstand the prison administration’s punitive animosity. Indeed, his writing reflected upon how the state ought to respond to criminals and the meaning of justice and citizenship for prisoners. His hunger for study, education, and written reflection caused Cruz to conclude that Texas prisons were entirely punitive and that his keepers abused their power. In the margins of his diary, Cruz jotted down quotes from such historical figures as Thomas Jefferson, William Jennings Bryan, and John F. Kennedy. In a series of entries with such titles as “Crime and Punishment” and “The American Commitment,” Cruz wrote short think pieces that demonstrated his artful prose, clarity of thought, and growing sense of frustration with his captivity. It also showed his engagement and commitment with his sense of civic nationalism, rights, and obligations.⁴⁵

As Cruz sought new material to satisfy his intellectual curiosity, he also developed a spiritual hunger for a guiding philosophy and a personal religion. Cruz discovered Eastern philosophy and spirituality as a source of inspiration and personal transformation. His readings on spirituality centered on a growing interest in Buddhism and increasingly he appreciated and admired the ways in which Buddhism insisted on the pursuit of truth and an acceptance of reality. Cruz found these aspects of Buddhism particularly appealing given his predicament as a prisoner struggling to bring the reality of prison experience to the wider public. By 1966, Cruz converted to Buddhism. His desire to practice Buddhism, however, became a source of conflict between Cruz and the prison administration. For Cruz, the discovery of Buddhism coincided with his legal pursuits of civil rights for prisoners. Yet it also signaled his personal conversion to what George Mariscal has termed “international nationalism,” in which many in the Chicano movement increasingly defined themselves as a colonized minority and looked outside of the United States for political, religious, and ideological inspiration.⁴⁶

Inspired by Thomas X. Cooper’s legal battle at Stateville penitentiary over his constitutional right to religious freedom and his ability to read the Qur’an, Cruz began a similar campaign within TDC. Fred Cruz concluded that Texas was ripe for a civil rights revolution of its own and he determined that he had to make contact with those on the outside if he had any hope of pressing his own claims against TDC. Cruz eventually managed to contact in 1966 Frances T. Freeman Jalet, a white attorney who worked for the Office of Economic Opportunity. On October 26, 1967, Jalet arranged an initial visit with Cruz at the Ellis prison. Cruz’s diary reported, “her legal aid under Office of Economic Opportunities is restricted to civil cases. She is helping in her free time at personal expense.”⁴⁷ Cruz ended his first meeting with Jalet by noting that she had a daughter in Thailand who was also studying Buddhist Zen. Cruz wrote that he “found her to be a very nice person with a charming personality. Her views are very liberal and seems to have a vast resource of understanding and compassion for the plight of man.”⁴⁸ For her part, Jalet saw that prisons represented an ideal opportunity for her to practice poverty law for those who needed help most. Jalet found Cruz to possess an impressive intellect and a charming personality. In her notes concerning her first meeting with Cruz, Jalet wrote:

Fred Cruz is handsome. He is witty. He is charming . . . He can think. He can persuade. He can write. But he is human and makes mistakes and he admits them. He transcended doctrine. He worked with inmates where he could . . . He is not afraid. He drew no limits for himself, including death. It didn’t take much to arouse my interest in joining in with him . . . but even so my impression of Fred was that of an extraordinary man.⁴⁹

From the first moment that they met, there was a personal and intellectual attraction, appeal, mutual respect, and a budding romance shared between Cruz and Jalet.



Figure 5. Fred Cruz, freed from prison, 1972 (publicly available on internet).

After investigating the prison system, Jalet brought in William Bennett Turner of the National Association for the Advancement of Colored People's (NAACP) Legal Defense Fund. From 1968 to 1974, a prison-made civil rights movement evolved in Texas prisons among a small cadre of "writ writers" who joined with civil rights attorneys Jalet and Turner to confront TDC in the courtroom. Cruz's and Jalet's legal works resulted in a series of cases from 1968 to 1972, which were aimed at five aspects of the prison system: (1) access to the courts and due process, (2) freedom of religion and equal access to religious assembly, (3) southern prison labor and the harsh agricultural regime, (4) the dismantling of racial segregation, and (5) the prison system's reliance on the southern practice of having inmates serve as guards and overseers, called trustees or building tenders. As Frances Jalet pressed her inquiries into the prison violence, the prison system responded by collecting her clients, mostly Black and Chicano prisoners, into a single unit as a means to isolate them. But rather than isolate these prisoners or have them turn against one another in fits of racial violence, as the prison administration had hoped would happen, these collected prisoners of color crossed the normally rigid racial boundaries that prisons so often erect to create instead an inter-racial collective of radical thinkers, jailhouse attorneys, and prison mobilizers. Out of this collection of "writ writers," which the prison administration designated as "Eight Hoe Squad" for their field line number, came all the major civil rights cases of the 1970s and 1980s. Beginning in the early 1970s, four major class action lawsuits emanated from "Eight Hoe:" (1) *Lamar v. Coffield*, challenging Texas's rigid system of racial segregation of inmates and charging that TDC practiced discriminatory hiring practices for its guards; (2) *Guajardo v. McAdams*, challenging TDC's right to open an inmate's legal correspondence; (3) *Corpus and Sellars v. Estelle*, demanding the right of prisoners to serve as their own legal counsel, thus eliminating the "jailhouse lawyer" prohibition; and, most importantly, *Ruiz v. Estelle*.⁵⁰

By 1974, Jalet had handed the broader prison reform effort over to William Bennett Turner so that she could concentrate on Fred's case. With great legal skill, Jalet arduously pursued Cruz's appeals to get back the "good time" that TDC stripped from him because they viewed his legal efforts as "agitation." On March 9, 1972, Frances Jalet won an appeal of Cruz's robbery case. After ten years of imprisonment, Fred Cruz walked out of TDC and into freedom. Later that month, Fred Cruz and Frances Jalet married (see Figure 5 for photograph of Fred Cruz, freed in 1972).

Following his 1972 release, Fred Cruz came home to a very different world than the one that he had left behind. During the decade of Cruz's incarceration (1962-1972), the Chicano movement had erupted across southwestern cities and lit fire to a politicized youth that challenged

white privilege and power with demands for local political control and an end to racial segregation, police brutality, and economic and educational inequality. In San Antonio, Cruz's hometown, *El Movimiento* fused together college students, barrio youths, and *pachucos* (flashy toughs) in the spirit of "carnalismo" (brotherhood) and "raza unida" (united people) toward the collective effort of *la causa* ("the cause"). Historian David Montejano aptly described this generational coalition as "the restlessness of barrio youths . . . channeled toward social protest under an identity greater than that of the neighborhood."⁵¹ For instance, Juan Guajardo, once the leader of one of the largest urban street gangs—the Ghost Town—had become by the late 1960s the founding member of San Antonio's Brown Berets. During the late 1960s, the fusion of students and former gang members led to the Mexican American Youth Organization (MAYO), which sought to gain local control of the Great Society's Volunteers in Service to America (VISTA) Minority Mobilization Program to address urban poverty while also establishing in San Antonio *La Universidad del Barrios*, an education alternative modeled after the freedom schools of the civil rights movement that sought to educate Chicano youth and turn gang members away from crime and drug use and toward ethnic pride and politicization.

As an avid reader while in prison, Cruz had kept abreast with the unfolding Chicano movement even as he pursued his own brand of legal activism behind bars. Almost immediately after his release from prison, Cruz determined that he would bring the prisoners' rights movement to the attention of the wider Chicano movement. In June 1972, Cruz made a public announcement in the Chicano newspaper *Papal Chicano* that he had formed the Jail and Prison Coalition, with himself as president. The aim of Cruz's coalition was to educate Chicano youth on the prisoners' rights movement and to bring the issue of prison reform with the agenda of *la causa* ("the cause"). In his appeal to Chicano readers, Cruz provided a trenchant observation that captured the stark contrast between the external image of Texas prisons and the reality that he and his fellow inmates experienced.

There have been some external changes in the Texas prison system in the last 15 years. The buildings are more modern, housing conditions, food and clothing have improved. This is the scale on which Texas prisons are measured and rated as "progressive."

But, Cruz admonished, "this does not take into the account the treatment accorded prisoners as human beings." He promised to help launch a statewide effort "to bring about a humane prison system based on justice, tempered with mercy and compassion that will give men hope for the future."⁵² But within a few years of his release, Cruz's old demons came back to haunt him. Jalet helped Cruz find positions as a paralegal with several firms, but Cruz found his efforts frustrated because he never managed to shake his addiction to heroin. Despite his freedom and marriage to Jalet, Cruz relapsed and his addiction to heroin slowly eroded his marriage and his legal talents. In 1977, only five years after their marriage, Jalet and Cruz divorced. In 1987, Fred Cruz was found dead at forty-seven of a drug overdose.

While unable to overcome his addiction outside of prison and still haunted by the abuse he suffered in prison solitary, Cruz's personal and political transformation within prison from uneducated "convict" to self-taught jailhouse lawyer served as an inspiration for the next generation of Chicano and African American prisoners who carried the struggle for prisoners' rights into the 1970s. Cruz grounded his legal work and demand for humanity and social justice on what he saw as correctable injustices within their own prison society. His allies included a collection of liberal attorneys, politicians, and activists. Their struggle was in the courtroom and their efforts depended upon the just application of constitutional rights and the law. Cruz did not wage a prison abolitionist movement, and while he drew upon revolutionary language and ideals, he also employed practical appeals to humane treatment and the legal recognition of constitutional rights and civic nationalism.



Figure 6. David Ruiz in prison.

Tough with a Knife, Hell with a Writ: David Ruíz, Violence, and Conversion to Chicano Prison Radicalism

The prison system faced its greatest legal challenge from David Ruíz, one of Jalet's clients and a student of Fred Cruz. Unlike Fred Cruz's intellectual transformation, violence marked Ruíz's stay in Texas prisons, particularly knife fighting. In his first two years at the Ramsey farm (1960-1961), Ruíz was involved in no less than ten fights with other prisoners—most of whom were building tenders. Reflecting on his transformation from knife fighter to politicized writ writer, Ruíz wrote that by the late 1960s he had begun to focus his rage on the building tender system, which he saw as the root of all the evils in TDC: "I came to hate those prisoners who did the officers' dirty work mainly to receive extra privileges or a soft job."⁵³ As a veteran of the prisoners' rights struggle in Texas, Ruíz had suffered at the hands of the state. In his unpublished memoir, he calculated the wages of his personal trials through the price of his own skin—he calculated that he spent 4,825 hours in solitary confinement, received 214 "brutal beatings," suffered 104 attempts by prison officials to persuade him to make a deal and drop all legal proceedings in return for his freedom, 1,460 days in isolation, and suffered over seventy-five false accusations by Texas prison officials (see Figure 6 for a photograph of David Ruíz in prison).⁵⁴

Chief among all the evils of the prison system, in Ruíz's experience, was the convict guard system of building tenders, which Ruíz and other prisoners saw as nothing less than a state-orchestrated inmate gang system. When questioned by an Eastham guard as to why he engaged in such violent behavior toward building tenders, Ruíz responded with characteristic defiance:

I will take orders from officers and not building tenders; and if I am ever assaulted by a building tender, book keeper or turnkey, they better kill me because I ain't taking no more beating and I been ready to die since the first day I entered this shithole prison.⁵⁵

Alvaro Luna Hernandez, an activist Chicano prisoner and ally of Ruíz, aptly characterized building tenders as "a violent, organized gang sanctioned by the administration."⁵⁶ Prisoner Michael Wayne Eubanks, a white inmate who allied with black and brown prisoner activists during the late 1970s, further defined building tenders as "the forerunners of today's prison gangs. Except they didn't fight for color or club name or anything like that. They fought just as their

clique to protect their authority that they had over prison.”⁵⁷ Indeed, so powerful were the building tenders in rooting out other prisoner organizations that Texas prisons had no real “official” prison gangs during the 1960s and 1970s. As one TDC captain proudly crowed, “They [the prisoners] didn’t have no gangs under the old system; we [guards and building tenders] were the gang.”⁵⁸ The irony of “gangs” behind bars and on urban streets was that in southwestern cities like San Antonio youth gangs increasingly became politicized Brown Berets and members of MAYO dedicated to *la causa*, while Chicano prisoners behind bars experienced the comprehensive and abusive power of white-dominated state-orchestrated “gangs” of building tenders.⁵⁹

Yet such a state-orchestrated “gang” as the trusty system ran contrary to the Chicano sense of cultural awareness and *carنالismo* (“brotherhood”). Alvaro Luna Hernandez explained the difference between “state-gangs” and the *carنالismo* of the Chicano movement behind bars. In his explication of critical differences between the two, Hernandez also connected the ethnic pride of “Aztlán”—his people’s culture and connection to Aztec history—with his disgust over American imperialism and the orchestration of state power from which he could not escape in his own imprisoned life:

Culturally, I wouldn’t call it (building tenders) a gang. Culturally, as far as the Chicano is concerned we believe in the true sense of brotherhood. I mean especially when you start embracing a cultural awareness of our ancestors. Of the Mexican Revolution. Of the benefits of the Aztec civilization. You know, the wonders of the Maya, the Inca, the Azteca . . . And then we come into contemporary history, and we see the subjugation of Mexico by the United States. We turn around and see the same things happening in Puerto Rico. . . . we identify with the resistance against imperialism. Because in my own mind, this is an unequal system. This is an unequal prison system because when you start speaking to me about human rights, you’d better have your record straight. Because . . . in my opinion, the worse chief violator of human rights is the United States Government.⁶⁰

As the 1960s progressed and the Chicano movement developed, prisoners like Hernandez and Ruíz connected their daily struggles with state power behind bars to the global struggle against imperialism and subjugated peoples everywhere. Drawing on such global analogies, prisoners began to develop ethnic pride, brotherhood, and a growing demand that they, too, deserved human rights.

As Ruíz’s reputation for rebellion grew, prison officials moved him from one prison farm to another, until finally he was assigned to Ellis, where he became one of Jalet’s clients. He was also housed with the Eight Hoe group at Wynne, a maximum security unit, and home to an entire wing of prison activists and an inter-racial group of “jailhouse attorneys.” There Ruíz, who entered prison nearly illiterate, learned from Fred Cruz and other like-minded prisoner activists to turn his energies away from violence and toward legal redress. He subsequently became one of the prison systems’ most ardent and well-known writ writers, earning respect among his fellow inmates as a defiant champion.

Increasingly, Ruíz saw his incarceration as part of a masked system of racial oppression that rendered African Americans, Native Americans, and Mexican Americans as subjects of a carceral state. In his poem, *Steel on Steel*, Ruíz depicts his imaginary conversation with a prison guard where he explains how his oppression as a Chicano prisoner was historically linked to the enslavement of African Americans and the colonial conquest of the Americas.

I see your face without its mask, I see ships full of Blacks in chains, I see the slaughter of my Ancestors—Mexicans and Indians, I see you steal their lands, You sit on the face of the poor, In the free world you lock us in, With the sound of steel on steel.

Despite the oppression of prisons, Ruíz punctuated his prose with a sense of abiding pride, anger, irony, and ultimately defiance. “I’m the *huevon* Mexican,” he ironically mused,



Figure 7. David Ruiz painting of Emiliano Zapata, with the quote “I’d rather die on my feet, than live on my knees” (translation: “¡Prefiero morir de pie que vivir siempre arrodillado!”).

cell-taught, self-taught, the original writ-writer. Chained up and locked down for a lifetime. I’m the Mexican who never gave up, who fought till every prisoner, guard, and lawyer in America knows me. I taught myself to use your tools: I’m Ruíz, unbroken for all your torture.⁶¹

In his artwork, Ruíz depicted his attachment to cultural nationalism with revolutionary images of Zapata, modern images of Chicanos with their defiant fists in the air, and proud images of Native American chieftains and shaman.⁶² Characteristically defiant, Ruíz’s artistic rendering of Zapata, for instance, contained the famous declaration: “¡Prefiero morir de pie que vivir siempre arrodillado!” (“I’d rather die on my feet, than live on my knees”). For prisoners’ rights activists like David Ruíz, cultural nationalism became a means to foster racial pride among prisoners who had been otherwise treated by an abusive prison system as “others” barely recognized as human beings let alone as imprisoned citizens that still deserved constitutional protection from cruel and unusual punishment (see Figure 7 for David Ruíz’s artistic rendering of Zapata and his connection to Mexican defiance).⁶³

Prison administrators were certainly aware that prisoners lived or died based on the ability to retain “respect” among other inmates. A key element of earning and retaining respect was the ability to demonstrate one’s sexual prowess and control over one’s body. The prison administration sought to undermine this pursuit of control, often by exploiting the tenuous nature of an inmate’s reputation. TDC used its power to move prisoners from one cell, wing, or row as a way to deter writ writing and activist activity. Indeed, TDC offered sexual bribes to end the writ writing, or they moved some of the more vocal activist prisoners to another racial wing to foster racial animosity. A favorite tactic was to move the “writ writers” to the protective custody wing known among prisoners in the hypermasculine prison slang as the “sissy wing,” as it contained prisoners classified as “weak” or openly gay. Once segregated there, the prison administration targeted the writ writers’ sense of prison-made reputations by harrasing them and threatening the very real possibility of state-orchestrated rape. The Joint Committee on Prison Reform, which the state legislature commissioned in the early 1970s as a response to prisoner allegations of abuse, found that “jail house” lawyers were also housed in the protective custody wing as part of an orchestrated effort to label these agitators as “effeminate” or “unmanly.”⁶⁴ The Joint Committee’s Working Paper on Homosexuality alleged that

the so-called protection tank [for homosexuals] is for punishment rather than protection. Inmates who do not conform to the attitudes of prison officials have also been placed on the block. This takes the form of humiliation for the inmate and serves to weaken his credibility with the general inmate population . . . those classified as homosexuals who . . . have civil suits filed against T.D.C. and who demand respect as human beings are put on a homosexual tank and harassed daily by prison officials.⁶⁵

Housing many of the Chicano activists in the protective custody wing exposed the most ardent prison activists to perhaps the worst horror of the internal inmate economy—a human sex trade and, in some cases, the literal ownership of fellow inmates. In a letter of July 10, 1978, to W. J. Estelle, director of the prison systems, inmate David Ruíz forwarded an affidavit concerning a building tender's rape of another inmate and explained that the literal owning of one inmate by another was an issue that he intended to expose. "You and your high ranking staff have opposed writ writers [inmate lawyers] with all the force you can muster and in some cases brutal force have been used," wrote Ruíz.

You preach rehabilitation to society and the news media, however, it seems to me that you do not practice what you preach. This is to inform you that I will continue in seeking prison reform, regardless of the hardships I must endure.⁶⁶

Moreover, the Prison Solidarity Committee, a collection of prisoners, state legislators, labor unions, the American Civil Liberties Union (ACLU), La Raza members, Brown Berets, and prisoner rights activists from across the country also responded to such state-orchestrated prison rape with disgust.⁶⁷ Salvador Gonzalez, a lifelong friend of Ruíz and the leader of the Prison Solidarity Committee, sent a similar letter demanding that the public learn of the internal world of the Texas prison system.⁶⁸ Gonzalez, a former building tender turned prisoner activist, recounted how the prison administration offered Stephen Blanchard, a white prisoner and supporter of the writ writers, to Gonzalez as a forced sexual object if Gonzalez would end his association with prisoner activists and return to work as a building tender. Gonzalez turned down Assistant Warden Christian's offer and thereafter he and the other activist prisoners attempted to expose the sexual trade and violence in the Texas prison economy and the building tender system.⁶⁹ In a letter to State Senator Chet Brooks, Gonzalez offered a stark depiction of prison rape and he implored the state legislature to respond with constitutional and humane protections. "What is really happening in this prison," Gonzalez implored,

Society refuses to believe because they really believe in a humane world, and it is my prayer that the Legislature will investigate the conditions and operation of this prison and bring to light the many wrongs and dehumanization conditions that exist here.⁷⁰

By placing activist inmates on the protected wing for homosexual prisoners and by offering them the bodies of other inmates as sexual bribes, the prison administration exposed the most radical inmates to a vicious sex trade in human bodies and personal dignity. When Ruíz and other prisoner activists made their case against the building tender system, they often pointed to instances of rape as the worst horror of the internal prison economy. These Chicano inmates, however, redefined *machismo* away from violence and toward a more communal response to sexual violence that offered a more humane sense of masculine respectability.⁷¹

In 1972, when TDC held Ruíz in solitary confinement for over a year due to his legal and protest activities, he wrote a twelve-page, hand-written petition that came to the attention of Federal Judge William Wayne Justice for its explicit discussion of the building tender system and the lack of medical care, two issues that made TDC vulnerable to the charge argument that it operated an unconstitutional prison system. On April 12, 1974, Judge Justice consolidated six additional prisoner petitions with Ruíz's original petition as part of his orchestrated effort to



Figure 8. David Ruiz emerging from court during *Ruiz v. Estelle*, photograph courtesy of Alan Pogue.

develop a pending lawsuit against TDC.⁷² Justice also ordered the U.S. Department of Justice to appear as *amicus curiae* and six months later it joined the suit as co-plaintiffs. The filing of Ruiz's writ in 1972 now was a civil rights claim that represented the entire prison population of 15,000 against all of TDC and its thirteen prisons. *Ruiz v. Estelle* was the culmination of nearly a decade of struggle between keeper and kept. It was a massive omnibus lawsuit that demanded that Texas outlaw the practice of having inmates act as guards, and ordered the state to alleviate prison overcrowding, improve inmate health care, and grant inmates access to attorneys and legal representation. Central to the case, however, was Ruiz's claims against the building tender system. The *Ruiz* trial over the state use of abusive convict guards subsequently became the longest civil rights trial in the history of American jurisprudence at that time, convening in October 1978 and adjourning in late December 1980 (see Figure 8 for a photograph of David Ruiz during the trial).

The legal work and letter writing begun by Cruz and Ruiz had matured by 1978 into a mass mobilization campaign that pressed public opinion and caught the attention of the Federal Court by writing thousands of letters to state politicians, activists, attorneys, and judges that ultimately shaped the trial's discourse, debate, and final outcome. As the culmination of two decades struggle with TDC, inmates organized and carried out the prison system's first-ever system-wide work strike to gain public attention to the *Ruiz* case during the opening week of trial "On October 4th, eight comrades and myself threw off our cotton sacks while out in the cotton fields and told the

overseer that we refused to work,” explained Butch Mendez, one of the first nine prisoners who started the strike.

All of us nine quit at the same moment, for the same reason, which was to show our support for the brothers in court (David [Ruíz] vs. Estelle) . . . The following day (the 5th) as men were on their way to work some 148 just sat down and refused to go to work. Chicanos, blacks, whites! It was a united front to show support for the trial.⁷³

Alvaro Luna Hernandez, one of the inmates involved in coordinating the strike, recalled that “we had been organizing months before that” and that “we had a little manifesto that we started distributing.” “Attica was our model. We felt that we had to make a stand. The time was now because the publicity was there and we were tearing down the wall.”⁷⁴ Drawing on both Black Power and *El Movimiento*, Hernandez conceived of these impromptu strike speeches as

an extension of the prison reform movement, an extension of the civil rights movement, an extension of the political consciousness of a certain segment of society that were just thrown in the slammer and forgotten. And that’s how we felt. And that’s why we spoke about human rights and we spoke about revolution and we found inspiration in Attica. We found inspiration in George Jackson and with the things that he was saying.⁷⁵

The trial began in October 1978 and included nearly two years of testimony from 349 witnesses, of which over one hundred were TDC inmates, resulting in one of the most far-reaching Federal Court interventions into state prison management. In 1980, Judge Justice ruled in favor of the prisoners with a damning indictment of the TDC that described the Texas prison systems as “pernicious,” “sheer misery,” and dependent upon state-orchestrated “pain and degradation” that included “the gruesome experiences of youthful first offenders forcibly raped” and “bitter frustration of inmates prevented from petitioning the courts” to mediate the “cruel and justifiable fears of inmates.”⁷⁶ With this verdict, the court thus declared the Texas prison system unconstitutional and demanded that the prison system end the building tender practice. The *Ruiz* case was a victory for the inmates and federal oversight of the Texas prison system insured that the internal prison economy centered on building tenders collapsed within a few years of the court decision. Their victory in *Ruiz* resounded across the nation’s courts and in its prisons.

Tragically, however, the internal prison economy in the BT-era was replaced with even greater levels of violence, gang warfare, and drug trafficking as the prison system experienced an unprecedented era of growth due to the War on Drugs, the turn toward “law and order” politics, and new “get tough on crime” sentencing laws. Since the *Ruiz* decision of 1980, the Texas prison system has grown from a population of 30,000 inmates on fourteen prison farms to five times that size by 1999 in over one hundred prisons. By 1999, Texas had outpaced California with the largest prison population in America: 163,190. By century’s end in the year 2000, the incarceration rate in Texas for Latinos was twice as high as that for whites (1,152 Latinos per 100,000 residents compared to 694 for whites). The state incarcerated African Americans, meanwhile, at five times the rate of whites in Texas (3,734 per 100,000).⁷⁷ In the two decades since the *Ruiz* decision, Texas had fashioned the nation’s largest carceral state (see Figure 9 for an older David Ruíz, still in prison).

Despite the destructive power of the carceral state, the political and personal evolutions of Fred Cruz and David Ruíz offer a lens to view the complicated and nuanced ways in which urban Mexican American prisoners confronted rural carceral states. These Mexican American prisoners grounded their plea for prisoners’ rights with appeals to American law, notions of civic nationalism, and equal rights under the U.S. Constitution, even as they fused rights-based language with the power of cultural nationalism, the demands for collective agency, and the critiques of Black and Brown Power movements. Cruz and Ruíz might have been locked behind prison walls and fences, but their struggles for prisoners’ rights were not disconnected from the societal struggles

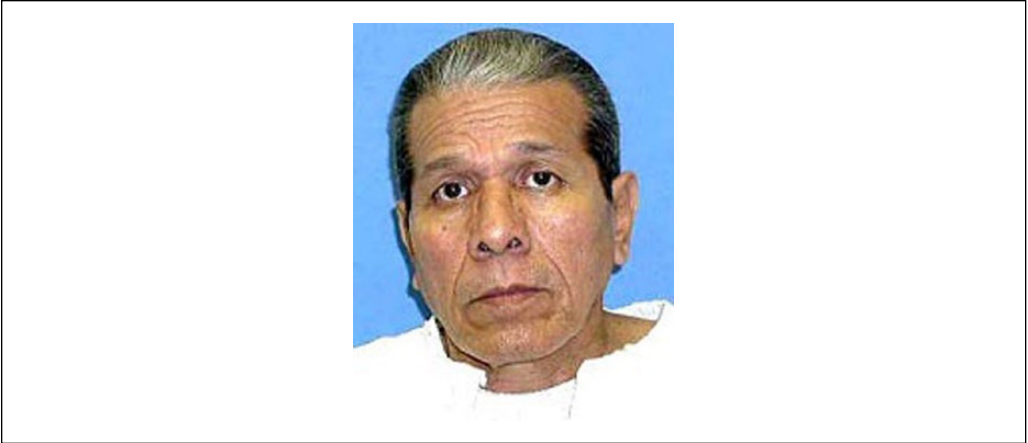


Figure 9. Older David Ruiz, still in prison.

of the 1960s and 1970s. The Chicano movement's eruption in such cities as San Antonio, Austin, and Houston provided Cruz and Ruiz with inspiration and a wider connection to *carnalismo* and *la raza unida* that fused together "la causa" with the struggle for prisoners' rights. Moreover, the geographical dislocation that rendered these urban prisoners as "slaves of the state" laboring on former rural slave plantations allowed African American and Chicano prisoners to see their shared oppression as equally stark. Their liberation and path to resistance was thus a cooperative alliance between black and brown prisoners. Although these urban prisoners experienced geographical dislocation to rural prisons, they carried with them the language and tactics of the civil rights revolution and the burgeoning politics of urban Chicano and Black Power radicalism. Revealing the otherwise hidden history of prisoner activism through the lives of Fred Cruz and David Ruiz highlights the pioneering role Chicanos played in making the prisoners' rights a central part of an ongoing civil rights rebellion that continued well into the 1970s and 1980s. Indeed, a reconsideration of how Mexican American prisoners successfully drew on these intertwined traditions to confront carceral states in the 1960s, 1970s, and 1980s might well offer a ray of collective hope and a path toward future campaigns for inter-racial prisoners' rights.

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12. For work that considers inter-racial organizations in the context of Black and Brown Power as well as civil rights rebellions, see Jeffrey O. G. Ogbar, *Black Power: Radical Politics and African American Identity* (Baltimore: The Johns Hopkins University Press, 2004); Joel Wilson, "Invisible Cages: Racialized Politics and the Alliance between the Panthers and the Peace and Freedom Party," in *In Search of the Black Panther Party*, eds. Jama Lazerow and Yohura Williams (Durham, NC: Duke University Press, 2006), 191-222; David Barber, "Leading the Vanguard: White New Leftists School the Panthers on Black Revolution," in *In Search of the Black Panther Party*, eds. Jama Lazerow and Yohura Williams (Durham, NC: Duke University Press, 2006), 223-251; Kevin A. Leonard, "In the Interest of All Races": African Americans and Interracial Cooperation in Los Angeles during and after World War II," in *Seeking El Dorado: African Americans in California*, eds. Lawrence de Graaf, Kevin Mulroy, and Quintard Taylor (Seattle: University of Washington Press, 2001), 309-41; Lauren A. Araiza, "In Common Struggle Against a Common Oppression: The United Farm Workers and the Black Panther Party, 1968-1973," *Journal of African American History* 94, no. 2 (Spring 2009): 200-23; and Thomas F. Jackson, *From Civil Rights to Human Rights: Martin Luther King, Jr., and the Struggle for Economic Justice* (Philadelphia: University of Pennsylvania, 2007).
13. For recent accounts of the coalition between the Chicano movement and African American protest struggles of the late 1960s and 1970s, see George Mariscal, *Brown-Eyed Children of the Sun: Lessons from the Chicano Movement, 1965, 1976* (Albuquerque: University of New Mexico Press, 2005), 15, 45; Lorena Oropeza, *¡Raza Sí! ¡Guerra No!: Chicano Protest and Patriotism during the Viet Nam War Era* (Berkeley: University of California Press, 2005); and Laura Pulido, *Black, Brown, Yellow and Left: Radical Activism in Los Angeles* (Los Angeles: University Press of California, 2006).
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15. On the ways in which southern prisoners articulated their resistance in terms of slavery, see Robert T. Chase, "We Are Not Slaves: Rethinking Carceral States through the Lens of Prisoners' Rights," *The Journal of American History* 102, no. 1 (June 2015): 73-86.
16. For work on mass incarceration and racial caste, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Color Blindness* (New York: New Press, 2010); Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage, 2006); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007); Marie Gottschalk, *The Prison and The Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2006); Loïc Wacquant, "From Slavery to Mass Incarceration: Rethinking the 'Race Question' in the U.S.," *New Left Review* 13 (January-February 2002): 41-50; Michael Tonry, *Malign Neglect: Race, Crime, and Punishment in America* (New York: Oxford University Press, 1995); Jerome G. Miller, *Search and Destroy: African-American Males in the Criminal Justice System* (Cambridge: Cambridge University Press, 1996); and Marc Mauer, *Race to Incarcerate* (New York: New Press, Distributed by W.W. Norton & Co., 1999). For work on the prisoners' rights movement, particularly the role of African American prisoners espousing Black

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17. On the rising tide of Latino/as prisoners in the United States since 1971, see Thomas Bonczar, *Prevalence of Imprisonment in the U.S. Population, 1974-2001* (NCJ 197976, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2003); Allen J. Beck and Paige M. Harrison, *Prisoners in 2000* (NCJ 188207, Washington, D.C.: U.S. Department of Justice, Bureau of Labor Statistics, 2001); and José Luis Morín, "Latino/as and U.S. Prisons: Trends and Challenges," in *Behind Bars: Latino/as and Prison in the United States*, ed. Suzanne Oboler (New York, NY: Palgrave Macmillan, 2009), 17-38.
 18. Paige M. Harrison and Jennifer C. Karberg, *Prison and Jail Inmates at Midyear 2002* (Washington, D.C.: Bureau of Justice Statistics, 2003); U.S. Department of Justice, *Compendium of Federal Justice Statistics* (Washington, D.C.: Bureau of Justice Statistics, 2001); Michael J. Coyle, "Latinos and the Texas Criminal Justice System" (Statistical Brief No. 2, Washington, D.C.: National Council of La Raza, 2003).
 19. On the rising tide of Latino/as in federal prisons, particularly increasing numbers due to immigration laws, see Mark H. Lopez and Michael T. Light, *A Rising Share: Hispanics and Federal Crime* (Pew Hispanic Foundation, 2009).
 20. *Hispanic Prisoners in the United States* (Washington, D.C.: Sentencing Project, 2003); Allen J. Beck and Paige M. Harrison, *Prisoners in 2000* (NCJ 188207, Washington, D.C.: U.S. Department of Justice, Bureau of Labor Statistics, 2001).
 21. Ruiz Discovery, Overcrowding, 2004/015-31, CAH, University of Texas, Austin.
 22. On the development of "crimmigration" literature that considers the socio-economic and political connections between immigrant detention/deportation and the rise of mass incarceration, see Teresa Miller, "Citizenship and Severity: Recent Immigration Reforms and the New Penology," *Georgetown Immigration Law Journal* 17 (2003): 611-66; Juliet Stumpf, "The Crimmigration Crisis: Immigrants, Crime and Sovereign Power," *American University Law Review* 56 (2006): 367-419; Yolanda Vazquez, "Perpetuating the Marginalization of Latinos: A Collateral Consequence of the Incorporation of Immigration Law into the Criminal Justice System," *Howard Law Journal* 54 (2011): 639-74; Jodie Michelle Lawston and Martha Escobar, "Policing, Detention, Deportation, and Resistance," *Social Justice: A Journal of Crime, Conflict and World Order* 36, no. 2 (Special Volume Issue, 2009-2010): 1-6; Sandra Guerra-Thompson, "Immigration and the Law," *Noticias* 5, no. 1 (Houston: Center for Mexican American Studies, University of Houston, 2007), http://www.tache.or/pdfs/5520_CMAS_noticias-last.pdf. For historical accounts of immigration detention/deportation in the early twentieth century and its connection to carceral states, see Ethan Blue, "The Means and Meanings of Coercive Mobility: The Emergence of America's Deportation Regime," in *Sunbelt Prisons and Carceral States: Incarceration, Migrant Detention/Deportation, and Resistance in the American Southwest*, eds. Robert T. Chase and Norwood Anderson (Chapel Hill: University of North Carolina, forthcoming); David Manuel Hernández, "Alien Incarcerations: Entangled Lineages and Merging Technologies of Immigrant Detention," in *Sunbelt Prisons and Carceral States*. On "policing Mexicano mobility" before the age of mass incarceration, see Kelly Lytle Hernández, "The Crimes and Consequences of Illegal Immigration: A Cross-Border Examination of Operation Wetback,

- 1943 to 1954,” *Western Historical Quarterly* 37, no. 4 (Winter 2006): 421-44; Kelly Lytle Hernández, *Migra! A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010), 46.
23. On Latino/a prison mobilization in New York during the 1960s and 1970s, see Juanita Díaz-Cotto, *Gender, Ethnicity, and the State: Latina and Latino Prison Politics* (New York: State University of New York, 1996). On the ways in which *El Movimiento* and the Puerto Rican independence movement contributed to radical critiques of Latino/as held in federal prison during the 1960s, see Alan Eladio Gómez, “‘Nuestras Vidas Corren Casi Paralelas’: Chicanos, Independentistas, and the Prison Rebellions in Leavenworth, 1969-1972,” in *Behind Bars*, ed. Suzanne Oboler (London, UK: Palgrave Macmillan, 2009), 67-96. On historical struggles between the police and Latino/a population of Los Angeles before the post-World War II era, see Edward J. Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department 1900-1945* (Berkeley: University of California Press, 1999).
 24. Richard A. Garcia, *Rise of the Mexican American Middle Class: San Antonio, 1929-1941* (College Station: Texas A&M University Press, 1991), 310.
 25. Montejano, *Quixote's Soldiers*, 23-24.
 26. On southern prison labor practices after World War II, particularly in Texas, see Chase, “‘Slaves of the State’ Revolt.”
 27. For the purposes of this essay, southern prison systems included the states of: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Northeastern states included Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Both male and female prisoners were included in the total number of inmates. See, Richard P. Jones Jr., *Prison Labor in the United States* (Bulletin No. 698, U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C.: U.S. Government Printing Office, 1941); Asatar P. Bair, *Prison Labor in the United States: An Economic Analysis* (New York: Routledge, 2008).
 28. In 1961, 117,368 Bracero workers came to Texas of a total number 291,420 entering the United States. On the Bracero program in Texas, see Otey M. Scruggs, “Texas and the Bracero Program, 1942-1947,” *Pacific Historical Review* 32, no. 3 (1963): 251-64; and Ernesto Galarza, *Spiders in the House and Workers in the Field* (Notre Dame, IN: Notre Dame Press, 1970).
 29. On the transnational experience of Bracero workers, see Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar States and Mexico* (Chapel Hill: The University of North Carolina Press, 2011). On the end of the Bracero program, see Lori Flores, “A Town Full of Dead Mexicans: The Salinas Valley Bracero Tragedy of 1963, a Collision of Communities, and the End of the Bracero Program,” *Western Historical Quarterly* 44, no. 2 (Spring 2013): 124-43.
 30. On “policing Mexicano mobility” before the age of mass incarceration, see Hernández, “The Crimes and Consequences of Illegal Immigration”; Hernández, *Migra! A History of the U.S. Border Patrol*, 46.
 31. On the changing racial perceptions of Mexican Americans in Texas, see De León, *They Call Them Greasers: Anglo Attitudes towards Mexicans in Texas, 1821-1900* (Austin: University of Texas Press, 1983); Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1999); and David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987).
 32. Texas was one of only seven states that did not pay its inmates for their labor. In 1978, for instance, the states that did not pay inmates even a nominal wage included Texas, Arkansas, Mississippi, Georgia, and Maine. Within a few years of the survey, Mississippi and Maine started a pay program for their prisoners. By way of comparison, California paid inmates between 50 cents and US\$2.60 an hour; New York between 25 cents and US\$2.30; and Illinois paid the most at 40 cents up to US\$7 an hour. See CURE Report, authorized by CURE member Gonzalo Barrientos and by Bruce Hupp, Senator Chet Brooks collection, 1991/068-29, CURE file, Texas State Library and Archives (TSLA); “Shortage of Guards Is a Major Problem in State’s Prison System,” *Houston Chronicle*, September 9, 1978; Texas Research League, *Houston Chronicle*, September 9, 1978.
 33. Frierson, a native of Haskell County’s open farm lands, graduated from Texas A&M was hired by Ellis in 1949 and he remained a career TDC (Texas Department of Corrections) employee for over twenty years. “Texas Biggest Farmer,” *Houston Chronicle Magazine*, February 15, 1959; Walter B. Moore,

- “Grows Almost Everything: Texas’ Biggest, Best Farmer in Prison,” *Dallas Morning News*, January 23, 1969.
34. Guadalupe Guajardo, interview with the author, March 8, 2007, Institute of Oral History (IOH), Baylor University.
 35. U.S. Department of Commerce, *Sixteenth Census of the United States: 1940—Population* (Vol. II, pt. 6, Washington, D.C.: U.S. Government Printing Office, 1943), 761; U.S. Department of Commerce, *Census Population: 1980* (Washington, D.C.: U.S. Government Printing Office, 1983), 45-11.
 36. The number of new arrivals in 1971 for each county was as follows: Harris: 1,331; Dallas 1,205; Tarrant 407; Bexar 379; Travis 218; McLennan 149; Nuece 111; and Jefferson 104. See “Outline of Address: The Complexion of the Texas Prison Population,” by George Beto, 1970, Beto collection, Sam Houston State University (hereafter cited as SHSU), 1-4/38.
 37. “Outline of Address: The Complexion of the Texas Prison Population,” by George Beto, 1970, Beto collection, Sam Houston State University (hereafter cited as SHSU), 1-4/38.
 38. Statistics such as these, however, particularly in the area of IQ testing, were often products of racial bias, as the California lawsuit, *Diana v. the Board of Education*, demonstrated. A.P. Manning to George Beto, February 2, 1971, Beto papers, SHSU; Horton and Nielson, 138.
 39. On the work strike tradition among Mexican American Tejano cotton farm workers before the United Farmworkers strike campaigns of Caesar Chavez, see Vargas, *Labor Rights Are Civil Rights*, 65-70.
 40. “Shortage of Guards Is a Major Problem in State’s Prison System.”
 41. The principles and rules of “good time” can be found in, Article 6184I, The Revised Civil Statutes of Texas; Texas Department of Corrections Rules and Regulations Chapter II, Sec. 2.52, cited in “Labor and Industry Working Paper,” by Van Mendoza, Joint Committee on Prison Reform; and Wayne Oakes, Committee Staff, Joint Committee on Prison Reform, “Custody and Security Working Paper,” Ruiz Special Master Collection, Center for American History (CAH), University of Texas, MAI 8/J-85.
 42. These powers and rewards were substantiated by my own oral histories as well as courtroom testimonies, court monitored inmate interviews, and legal affidavits to show how the internal prison economy operated. But for explicit testimony that shows the privileges of building tenders, see the following trial transcripts. On the building tender’s ability to have single cells and choice of cell assignment and cell partner, see David A. Christian at 149, 288, CAH, University of Austin, Texas, Papers of the Special Master Ruiz, MAI 8/J93, CAH; William Forrest at 1, CAH, MAI 9/J91; Hill at 12, CAH, MAI 8/92; James Lagermaier at 41-42, MAI 8/J98; Walter Harvey Ballard at 32, 36, CAH, MAI 8/J88; Francisco Guerra at 21-22, CAH, MAI 8/J91.
 On the Building Tenders (BTs) ability to have more personal property, including clothes, stereos and pets, see John Albach at 118, 207, CAH, MAI 8/J88; Arnold E. Pontesso at 113-114, CAH, MAI 8/J94; Jeters at 78-82, CAH, MAI 8/J102; David A. Christian at 103, CAH, MAI 8/J96; Francisco Guerra at 51-52, CAH, MAI 8/J91.
 On the building tender’s close relationship to top prison officials, particularly assistant wardens and majors, see John Albach at 118, 207, CAH, MAI 8/J88; Arnold E. Pontesso at 113-114, CAH, MAI 8/J94; Jeters at 78-82, CAH, MAI 8/J102; David A. Christian at 103, CAH, MAI 8/J96; Francisco Guerra at 51-52, CAH, MAI 8/J91.
 On the building tender’s access to weapons, ability to “run a store,” manage a sex trade, and freely engage in prison rape, see James Eckles at 24-31, 42-44, 45-48, 234-235, 239-241, MAI 8/J-91; Guerrant at 14, 50, 87, MAI 8/J-92; Francisco Guerra at 18-19, 161-163, 165-170, MAI 8/J-91; Rosa Lee Knight at 24; Paul Crosson at 28, 29, 72-73, MAI 8/9-96; Simonton at 27-30, MAI 8/J-88; Gibson at 46, at 134, MAI 8/J-92; Eddie James Ward at 143, MAI 8/J-95; Hubbard at 150-153, MAI 8-92; Lovelace at 49-52, MAI 8/J-98; Robles at 32, 97, 113-114, MAI 8/J-99; Oscar Turner at 35, MAI 8/J-99.
 43. For the Texas tradition of slave labor and punishment, particularly the use of the lash, see Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge: Louisiana State University Press, 1989), 103-108, 145-53.
 44. On Thomas X. Cooper’s legal challenge against the Stateville Penitentiary for the state’s denial of his religious freedoms, see James B. Jacobs, *Stateville: The Penitentiary in Mass Society* (Chicago: University of Chicago Press, 1977), 52-73; and Toussaint Losier, “. . . For Strictly Religious Reason[s]”: Cooper v. Pate and the Origins of the Prisoners’ Rights Movement,” *Souls: A Critical Journal of Black Politics, Culture, and Society* 15, no. 1-2 (2013): 19-38. For work that adopts a legal and policy

perspective of prisoners' rights cases, see John A. Filter, *Prisoners' Rights: The Supreme Court and Evolving Standards of Decency* (Westport, Conn: Greenwood Press, 2001); John J. DiIulio Jr., ed. *Courts, Correction, and the Constitution: The Impact of Judicial Intervention on Prisons and Jails* (New York: Oxford University Press, 1990); and Malcolm M. Feely and Edwin L. Rubin, *Judicial Policy Making and the Modern State: How the Court's Reformed America's Prisons* (New York: Cambridge University Press, 1998).

45. In his account of race and nationalism, Gary Gerstle discerns two simultaneous political traditions—civic nationalism and the more exclusionary power of racial nationalism. He defined civic nationalism as “a kind of democratic universalism that can take root anywhere” that locates “the transformative power of the United States not in God but in the nation’s core political ideals, in the American belief in the fundamental equality of all human beings, in every individual’s inalienable rights to life, liberty, and the pursuit of happiness, and in a democratic government that derives its legitimacy from the people’s consent.” Gerstle, *American Crucible*, 4.
46. On the ways in which El Movimiento cast Mexican Americans within the dialectic of internal colonialism, see Tomás Almaguer, “Toward the Study of Chicano Colonialism,” *Aztlán* 2 (Spring 1971): 137-42; Ian Haney Lopez, *Racism on Trial: The Chicano Fight for Justice* (Cambridge: Belknap, 2003); Carlos Muñoz Jr. *Youth, Identity, Power: The Chicano Movement* (New York: Verso, 1989); Navarro, *Mexican American Youth Organization*; Oropeza, *¡Raza Si! ¡Guerra No!: Chicano Protest and Patriotism during the Viet Nam War Era*; F. Arturo Rosales, ed. *Testimonio: A Documentary History of the Mexican American Struggle for Civil Rights* (Houston: Arte Publico Press, 2000); Pulido, *Black, Brown, Yellow and Left*; and Marsical, *Brown-Eyed Children of the Sun*.
47. Diary of Fred Cruz, 1967, Papers of Frances Jalet Cruz, Center for American History (hereafter cited as CAH), University of Texas, Austin, 94-042/2.
48. *Ibid.*
49. Cruz v. Beto, Appendix volume IV, 77-1641, Defendants’ Exhibit 55, Beto Papers, SHSU.
50. See Lamar v. Coffield, 951 F.Supp. 629 (S.D.Tex.); Guajardo v. McAdams, 349 F. Supp. 211 (1972) and Guajardo v. Estelle, 580 F. 2 d. 748 (1978); Corpus v. Estelle, 409 F. Supp. 1090 (1975) and Corpus v. Estelle, 551 F. 2d. 68 (1977).
51. Montejano, *Quixote’s Soldiers*, 58.
52. “Pagina de Fred Cruz: Remember the Prisoners,” *Papal Chicano*, June 1-7, 1972, Jalet Cruz papers, CHA, 94/042/1.
53. *Ibid.*
54. David Ruiz unpublished memoir, “Tough with a Knife, Hell with a Writ,” in author’s possession, given with permission of Rose Marie Ruiz upon David Ruiz’s death in 2006.
55. *Ibid.*
56. Alvaro Luna Hernandez, oral history with the author, March 23, 2007, IOH, Baylor University.
57. Michael Wayne Eubanks, oral history conducted by the author, March 13, 2007, IOH, Baylor University.
58. Perkinson, *Texas Tough: The Rise of America’s Prison Empire*, 313.
59. On the politicization of gangs in San Antonio, see Montejano, *Quixote’s Soldiers*.
60. *Ibid.*
61. There are several drafts of this unpublished poem in David Ruiz’s personal papers. What follows is a poem titled “Third Draft” and it appears to be the final copy. David Ruiz personal papers, in author’s possession.
62. Ruiz’s artwork was provided to the author by his spouse, Rose Marie Ruiz, following David Ruiz’s death in 2005.
63. Ruiz’s embrace of Chicano identity and politics follows George Marsical’s conceptualization that cultural nationalism was defined by “the strategic deployment of key features of Mexican and Mexican American history and culture in order to fashion individual and collective subjects capable of asserting agency and demanding self-determination.”
64. Joint Prison Reform Committee Working Report, “Homosexuality in TDC,” Records of the Special Master Ruiz v. Estelle, MAI 8/J-85.
65. *Ibid.*
66. David Ruiz to W. J. Estelle, July 10, 1978, TSLA, Papers of Chet Brooks, 1999/136-20.

67. Its sponsors included state representative Ben Reyes of Houston, state senator Carlos Traun of Corpus Christi, Ray Hill of the Human Rights League, Gargland Jagers of the Black Secretariat of the Roman Catholic Archdiocese of Detroit, Diane Goldberg of AFSCME Local #140 (Houston), Demetrio Lucio AFSCME Local 1550 (Houston), Lorenzo Cano, Harris County Raza Unida Party (Houston), Antonio Orendain of the Texas Farmworkers Union, Rado Rosales of the Brown Berets (Houston), L.C. Dosey of the Southern Coalition on Jails and Prisons, Inc., Ron Welch of the Mississippi Prisoners Defense Committee, Eddie Sandifer of the Mississippi Alliance for Human Rights, Ruby Tobias of the Mississippi Council on Human Relations, Tom Soto Prisoner Solidarity Committee and representative of Attica prisoners, Eduardo O. Canales of Centro Aztlán, and Allen Ginsburg.
68. Salvador Gonzales to Senator Chet Brooks, July 29, 1973, TSLA, Papers of Senator Ron Cloward, 1981/217-93.
69. Testimony of Salvador Gonzalez, *Ruiz* Special Master, CAH, MAI 8/J-91.
70. Salvador Gonzales to Senator Chet Brooks, July 29, 1973, TSLA, Papers of Senator Ron Cloward, 1981/217-93.
71. On Chicano conceptualizations of “respect” among prisoners and sub-cultures of gangs, see Joan W. Moore, *Homeboys: Gangs, Drugs and Prison in the Barrios of Los Angeles* (Philadelphia: Temple University Press, 1978).
72. The other inmate complaints consolidated into the *Ruiz* civil suit included L. D. Hilliard, Ernesto Montana, Herman Randall, Leandro Pado, O. D. Johnson, and Arthur Winchester.
73. Butch Mendez, Ellis Unit, Inmate number 256311, to State Senator Chet Brooks, Chairman, Joint Committee on Prison Reform, December 15, 1978, Papers of Ron Chet Brooks, TSLA, Box 1999/136.
74. Alvaro Luna Hernandez, oral history with the author, March 23, 2007, IOH, Baylor University.
75. *Ibid.*
76. *Ibid.*
77. “Race and Incarceration in the United States,” in *Human Rights Watch Press Backgrounder* (New York: Human Rights, 2002), <http://www.hrw.org/legacy/backgrounder/usa/race/>; Jason Ziedenberg and Vincent Schiraldi, researchers, “Race and Imprisonment in Texas: The Disproportionate Incarceration of Latinos and African Americans in the Lone Star State,” Justice Policy Institute, http://www.justicepolicy.org/images/upload/05-02_rep_txraceimprisonment_ac-rd.pdf; Coyle, *Latinos and the Texas Criminal Justice System* (Washington, D.C.: National Council of La Raza, 2003).

Author Biography

Robert T. Chase is an assistant professor at Stony Brook University, SUNY. His forthcoming book, “Civil Rights on the Cell Block: The Prisoners’ Rights Movements and the Construction of Carceral States, 1945-1990,” reexamines the southern prisoners’ rights movement of the 1960s, 1970s, and 1980s and the subsequent construction of what many historians now call the era of mass incarceration and the “New Jim Crow.” This forthcoming book has been supported by post-doctoral fellowships at the Center for Historical Analysis at Rutgers University, Case Western Reserve University, and Southern Methodist University’s Clements Center for the Study of Southwestern America. He has also co-edited a book on Sunbelt Prisons and Carceral States soon out of the University of North Carolina (UNC, Chapel Hill) “Justice, Power, and Politics” press and has organized several conferences on the carceral state.