Gender, Ethnicity, and the State

Latina and Latino Prison Politics

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Introduction

"The punishment of crime is a political act." It is the state, through public policy decisions, that defines what actions are considered criminal and determines which types of crimes will be targeted for prosecution at a given point in time and the forms that punishment will take. The punishment of crime is also a political act in that it "represents the use of physical force by the state to control the lives of people the state has defined as criminal."

The study of the penal system is of utmost importance if we consider that what distinguishes the state from other institutions of society is its claimed monopoly over the means of coercion. The state, as understood in this text, is composed of a series of administrative, legal, bureaucratic, and coercive organizations and relationships which reproduce political, socio-economic, racial/ethnic, gender, and sexual domination through repression, ideology, and struggles within and between classes and state actors.

Within this context, the creation of the penitentiary as a form of punishment became an essential ideological and material component of the state apparatus which helped ensure its ability to exercise social control. For without the threat of punishment, and ultimately imprisonment, the state's authority and legitimacy would continually be challenged by significant numbers of the population. It is within penal institutions that we can observe, perhaps most clearly, the various mechanisms used by the state to quell rebelliousness. The fact that what occurs within prisons tends to reflect what is taking place on the outside makes the study of the impact of imprisonment on women and people of color all the more imperative.

Throughout United States history a variety of punishments have been used to penalize persons convicted of breaking the law. The type of punishment applied has varied according to the social class, sex, age, sexual orientation, race/ethnicity and legal status (i.e., free versus slave) of the persons involved. Historically, public corporal and capital punishment as well as imprisonment have been used more
often to punish poor and working-class white and people of color. The fact that Latinas(os) are disproportionately imprisoned makes the study of the penal system and the functions it serves all the more imperative for the Latina(o) community.

One of the major assumptions guiding this book is that to understand the Latina(o) prison experience, we need to reconceptualize the experiences of all prisoners taking into account differences in race, nationality, ethnicity, class, and gender, among them and between them and others. Further, unless one analyzes the disparate impact state policies have on women and men, one cannot understand the full effect these policies have on a community. As a result, one cannot discern clearly the tactics and strategies needed to change oppressive social conditions. Another assumption is that unless one understands the experiences of Latinas and Latinos inside and outside the walls, one cannot fully understand the Latina(o) experience in the United States.

While this text will not directly compare the outside Latina(o) community’s struggles with those of their peers on the inside, the reader is reminded that this book should be read with the understanding that the struggles being waged by the Latina(o) community inside and outside the walls and the state’s response to them, are not only similar but complement one another.

Issues of Gender and Ethnicity* in Prison Research

The past three decades have seen a flourishing within the social sciences of the literature on prisons and prisoners. With few exceptions, these studies have been written by white middle-class male academics and civilians working in penal institutions, former guards and penal administrators. Their focus has been almost exclusively on the male prisoner “society.” Complementing these studies were the publications of the American Correctional Association, which concentrated on writings by prison administrators. A few studies have been written by white middle-class women academics and prison administrators. These, with few exceptions, tended to focus on female prisoners. Until the 1970s, studies about prisoners were written as if the male and female prisoner populations were racially and ethnically homogeneous.

Although since the mid-1960s, a few male and female prisoners and ex-prisoners have published autobiographies, essays, poetry, and so forth, it has been the liberal and conservative studies carried out by academics and penal personnel that have gained the most recognition within the social sciences. This is so despite the fact that much of the growing interest in prison politics was motivated by the activities of prisoners who, beginning in the 1950s, called increasing national attention to their plight through strikes, rebellions, and litigation. Prisoner interpretation of reality continues to be basically ignored or dismissed as the work of a few biased “radicals” or “revolutionaries” who should not be taken seriously.

Interestingly, while the concept of “power” is central to the field of political science, little attention has been paid by contemporary United States political scientists to the role of the penal system in society. This is so despite the fact that major European and United States political theorists of the eighteenth and nineteenth centuries devoted a great deal of time to discussing the roles punishment and imprisonment played in maintaining the social order and legitimizing the status quo.* While the academic literature on prisons, concentrated primarily in the field of sociology and criminology, has contributed to our understanding of some key aspects of prison life, the value of its theoretical contribution has been limited by the fact that the studies such literature was based upon were overwhelmingly biased in favor of state elites. One of the significant repercussions of such pro-status quo biases was that until the late 1970s, social scientists, with few exceptions, avoided studying the dialectical relationship which existed between prisoners and penal personnel and the impact the actions of the latter had on the former. As a result, “by inadvertently stripping the social system of half of its social action... the captives are left without captors to influence their social relationships.” The keepers, therefore, were exonerated from having to take responsibility for the manner in which their actions contributed to prisoner victimization.

A second consequence of the pro-elite bias was that the impact of third parties on prisoners tended to be ignored unless it was to argue (particularly after the emergence of various civil rights movements of the 1960s) that radical groups were “importing” their revolutionary ideas into prisons, thus disrupting the orderly process of prison administration. This argument ignored the effect white supremacist ideology and activism within various sectors of the state, such as prisons, has historically had on the development of penal policies as well as prisoner/staff and intra-prisoner relations. Thus, for example, the implications of Ku Klux Klan recruitment of staff within penal institutions, as well as the preferential treatment white staff have gener-
ally accorded white prisoners, have been downplayed or ignored by students of northern prisons.

Furthermore, mainstream social scientists failed to analyze the differential impact of state policies on significant sectors of the prisoner population. This was particularly true in the case of women, people of color, and lesbian and gay prisoners. As a result, there was little or no recognition of how biases based on race, gender, nationality, ethnicity, class, and sexual orientation influenced the treatment given prisoners. Two of the significant political ramifications of such an oversight were that the concerns of women prisoners and male prisoners of color were basically ignored as penal policies and programs were primarily shaped by studies conducted about white male prisoners. The differential treatment accorded diverse groups of prisoners helped deepen existing differences and rivalries among a captive population competing for scarce resources.

Researching Women Prisoners

Women who break the law have been viewed in different ways depending on the nature of their crimes, their social class, their race and ethnicity, their sexual orientation, the historical period involved, their political persuasion, and so forth. Women offenders, however, share one thing in common; their actions have been perceived as the result of their inability to adapt to their socially-prescribed roles of dutiful wives, mothers, and daughters. As such, women's crimes, by challenging the subordinate roles assigned to women in society, have been seen as threatening the foundations of the social, economic, legal, political, and moral order in ways that men's crimes have not. Consequently, women offenders have not always been conferred the same treatment by the criminal justice system. In many states discrimination against women was justified by legal statutes which, through the use of indeterminate sentencing, prescribed longer sentences for women than for men convicted of the same substantive offenses.

Gender stereotypes, ultimately based on biological assumptions about the inherent nature of the sexes, have also been used to justify discriminatory policies. As a result, in many cases, women prisoners have been denied access to certain vocational programs available to male prisoners. In other instances, women in prison have been penalized for behavior, such as the use of profanity, generally expected of male prisoners. The result being that imprisoned women received a disproportionate number of misbehavior reports in comparison to their male counterparts.

Differential treatment has also been justified by social science studies on women prisoners that highlight the role played by women's prison family groups and kinship networks, almost to the complete exclusion of other types of prisoner organization. By focusing on the dynamics of prison families, the studies reinforced a priori the assumption that the main concern of women in prison was to maintain their traditional roles. Hence, it was appropriate for penal elites to limit women's educational and vocational training to areas traditionally considered appropriate "women's" work, such as cooking, sewing, ironing, etc.

The bias in favor of highlighting prison family and kinship networks complemented those studies which portrayed women prisoners as "passive" and "apolitical," despite evidence to the contrary. By ignoring the various ways in which prison authorities hindered women's ability to organize themselves to pursue reforms, such as the use of male guards to physically subdue women prisoners, social scientists distorted the prison experiences of women and ignored important ways in which state sectors sought to maintain their continued subordination. Notwithstanding, women prisoners, as the current study will show, rebelled against traditionally imposed gender roles and oppressive penal policies in a number of ways. In addition to forming prison family groups and kinship networks, they created other informal and formal prisoner groups, participated in rebellions, work strikes and hunger strikes, filed petitions and class action suits, wrote for prisoners' rights newsletters, published their autobiographies, physically resisted the attacks by their keepers, and escaped.

In view of what has been discussed above, one of my objectives was to examine how major assumptions about women prisoners have influenced the treatment accorded Latinas in prison. While it is likely that a good deal of the information gathered by social scientists, private organizations, and government personnel on the problems encountered by Latinos throughout the criminal justice system are shared by both sexes, the fact that Latinas are also part of the women's prison population means that their needs have been ignored, not only because of their ethnicity but also because the concerns of women prisoners have generally been subordinated to those of their male counterparts. In light of prevailing stereotypes about women prisoners and the lack of data concerning the prison experiences of
Latinas in the United States, the current research examines how different the prison experience of Latinas was from that of Latinos as well as what were their common experiences as a socially subordinate group.

As a partial study of the impact of ethnicity on prisoner organizing, however, we must start by identifying Latina(o) prisoner concerns. Since Latinas(os) co-exist with non-Latina(o) prisoners with whom they share a number of interests, a distinction must be made between those concerns which are perceived as specific to Latinas(os) (e.g., end to discriminatory language policies, the implementation of bilingual Spanish/English programs and the hiring of more bilingual personnel) and those which they shared with other prisoners (e.g., prison conditions, access to third parties).

Researcning Latina(o) Prisoners: The Study

During the two hundred years penitentiaries have existed in the United States, the experiences and concerns of Latina and Latino prisoners have been virtually ignored by state elites, social scientists, and third parties.28 In New York State, it was not until the visible participation of Latinos in the New York City and upstate male prison rebellions of the early 1970s that their presence within the state's penal system was significantly acknowledged.29 Even so, the plight of Latina prisoners continues to be basically ignored.30

This study seeks to remedy the scarcity of data on Latina(o) prisoners in the United States in a number of ways. It examines and compares the experiences of Latinas and Latinos imprisoned in New York State during the 1970s and 1980s. It explores the major conflicts existing within the Latina(o) prisoner population. It analyzes the nature of the relationship between Latina(o) prisoners, third parties, and penal personnel. Moreover, it examines the confining conditions under which members of the state as well as third parties provided support. Lastly, it studies the combination of factors under which Latina(o) prisoners obtained concessions from state elites.

By providing information not hitherto available about Latina(o) prisoners and their relationship to other sectors of society, I offer a more realistic interpretation of the relationship that exists between prisoners, the state, and the civil society within which prisons operate. Through the lens of this illustration we can appraise the impact of state policies on affected sectors of society, the manner in which subordinate groups make demands on the state, and the ways in which the state responds to such demands. Moreover, the data gathered challenges a number of widely accepted stereotypes about the behavior of imprisoned women. As a result, the book expands on current theories of gender, ethnicity, imprisonment, and the state.

The lack of data on Latina(o) prisoners led me to use a combination of methods for compiling the information encompassed in this text. Prisoner and mainstream English and Spanish language newspapers31 were used as were books, articles, court cases, and government and private organizational reports. This data was complemented by private files made available to me by individuals and community groups. The latter included a variety of correspondence and position papers written by Latina(o) prisoners and their organizations as well as third parties. An additional source of valuable information was the newsletters published by community groups supportive of prisoners' struggles. However, the most exciting source of information were the in-depth open ended interviews and oral histories conducted with Latina(o) and African-American ex-prisoners, prisoners' rights attorneys, community activists, and penal staff.

The fact that I had worked with prisoners and was eager to document their struggles made it possible for me to gain the trust of the ex-prisoners and third parties interviewed. Latina(o) penal personnel, generally marginalized within the penal bureaucracy as a result of racism and sexism, were also eager to talk about their experiences. Moreover, being Latina allowed me to approach the Latina(o) community with a deeper understanding, respect, and interest than mainstream white Anglo-European social scientists have historically shown it.

The importance of using oral histories and interviews when compiling information on Latina(o) prisoners cannot be overstated. With few exceptions, the material written by the prisoners themselves, which is difficult to come by, and oral histories and interviews have been, until recently, the only sources of information available on Latina(o) prisoners. One of the benefits of conducting oral history research is that it allows people to speak about their experiences from their own perspectives. One of the drawbacks is that human beings tend to forget even important events in their lives and sometimes simply distort reality. The fact that I interviewed a diverse number of ex-prisoners, penal personnel, and third parties about the same events allowed me to cross-check the information obtained. This information was then cross-referenced, wherever possible, with the written material available.
A case study approach was used to recreate and compare the experiences of Latina prisoners in Bedford Hills with Latino prisoners in Green Haven between 1970 and 1987. New York State was targeted as the site for the study because it has one of the highest concentrations of Latina(o) prisoners in the country. The period between 1970 and 1987 was chosen for several reasons. It was during the late 1960s that we began to see a steady increase in the number of Latina(o) prisoners in the state. The seventeen-year span allowed me to measure the impact the increasing number of Latina(o) prisoners had on the penal system. Moreover, it was after the Attica Prison Rebellion of September 1971 that widespread penal reforms emphasizing "rehabilitative" goals were carried out. These reforms created a new type of administrative organization, the Inmate Liaison Committees (ILCs), and made it possible for prisoners to create formal prisoner groups to pursue collective goals. The time span allowed me to examine, not only the relationship between prison rebellions and prison reforms, but also the relationship between informal and formal prisoner groups. Additionally, I was able to explore the impact the post-Attica Rebellion reforms had on male and female prisoners, particularly Latinas and Latinos. Moreover, because the reforms allowed the entrance of a larger number of outside "volunteers" into the state's prisons, I was able to compare the type of support both male and female prisoners and the impact such support had on the framing of prisoner goals and the tactics and strategies prisoners pursued.

The broader historical questions that guided the chapters were: What impact did the post-Attica Rebellion reforms have on Latina and Latino prisoners? What constraints affected their ability to frame their concerns, organize groups, mobilize support, and win concessions? What were the constraints under which third parties and penal personnel sought to provide support to Latina(o) prisoners? How did the nature of third party support, penal and non-Latina(o) prisoner response, affect the formulation of Latina(o) prisoner goals as well as the tactics and strategies they used? How did notions of gender and ethnicity affect the support given Latina(o) prisoners? I show that while Latina and Latino prisoners tended to share the same concerns, substantial gender differences existed with respect to the manner in which they organized. The variation in organizing tactics was conditioned not only by the priority they assigned to diverse interests but also by the disparate treatment male and female prisoners have historically received from both penal personnel and third parties. Furthermore, the study concludes that the ability of Latina(o) prisoners to have their concerns addressed was affected by their level of organization and unity, the degree to which they were able to mobilize penal personnel and Latina(o) community members on their behalf, and their ability to secure the support of non-Latina(o) prisoners, or at least neutralize their resistance to Latina(o) prisoner concerns.

The first section of the book discusses the conditions which gave rise to the Prisoners' Rights Movement of the late 1960s and 1970s and the response of penal personnel and third parties to prisoners' calls for reforms. Particular attention will be given to the response of the outside Latina(o) community to the plight of Latino prisoners. The second and third sections explore the impact of the post-Attica reforms on Latinas and Latinos imprisoned at Green Haven and Bedford Hills correctional facilities, two maximum security prisons in New York State from 1970 through 1987. The sections also explore the conditions under which Latina(o) prisoners organized themselves to achieve concessions from state elites and the manner in which third parties and sympathetic penal personnel provided support to Latina(o) prisoners. The concluding chapter compares and contrasts the experiences of Latina and Latino prisoners and offers a number of interpretations on the nature of the relationship between them, the state, and third parties.

Notes: Chapter 1


2. Ibid. This type of analysis, as Erik Olin Wright argues, does not find expression in United States political theory which, by calling those unjustly imprisoned or imprisoned for their political beliefs "political prisoners" and those breaking criminal laws "criminals," obscures "the meaning of punishment and the political functions it plays in society" (Ibid., 23).


5. It was precisely this authority and legitimacy that was questioned by the social movements of the 1950s, 1960s, and 1970s, including the Prisoners’ Rights Movement.

6. See Barnes, The Story of Punishment, 1930; Rusche and Kirchheimer, Punishment and Social Structure 1937; and Foucault, Discipline and Punish, 1979. Such punishments have included penance, fines, public corporal and capital punishment, draft, confiscation of property, probation, and confinement in houses of correction, reformatories, jails, and prisons.


8. It is difficult to speak about racial and ethnic identification because of the arbitrary nature of these categories and the manner in which they are used in the United States. For example, during much of United States history, the dominant categories for identification purposes were "racial" (e.g., black, white). Latinas(os) have generally been classified as white or black depending on their skin color, place of birth, and/or Spanish surname. In reality, Latinas(os) are generally the product of the mixture of people of African, Indian and/or Spanish descent, with the Spanish itself being the result of a mixture of white European, Jewish, and Arab. Under these circumstances, it is difficult to place "Latinas(os)" within a given racial or ethnic category. As a result, when I speak about ethnic and racial identification within the prison setting, I do so with the understanding that these concepts are insufficient to describe very complicated analytical concepts. In fact, the awareness of Latinas(os) that they were not all the same was reflected in the manner in which they tended to further subdivide according to: place of birth (nationality), language spoken, and/or racial identification. Racial identification led some dark-skinned Latinas(os) to identify as "black" and to network primarily with African-American prisoners. It also led some light-skinned Latinas(os) to identify as "white" and to network primarily with white prisoners. English-speaking (e.g., Jamaican, Trinidadian) and French-speaking Caribbean peoples (e.g., Haitians), also tended to subdivide within the prison setting according to nationality and language even when they might all be labelled "black" by prison staff and other prisoners.


13. Its major publications are *Corrections Today* (formerly *The American Journal of Corrections*) and *Proceedings*, which publishes the yearly proceedings of the National Congress of Corrections.


28. Although the legislative and executive branches of the state government form part of the criminal justice system by virtue of their ability to criminalize and decriminalize behavior (e.g., pass and abolish laws, issue executive orders, issue pardons, commute sentences, etc.), I am using the term criminal justice system here to encompass the areas of law enforcement, detention, prosecution, courts, penal institutions, probation, and parole.


30. Prison families and kinship networks are groups in which women prisoners adopt the roles of mother, father, brother, son, daughter, cousin, etc. Perhaps the two best known examples of social science studies of prison families are David A. Ward and Gene K. Kasebaum, Women's Prisons (London: Weidenfeld and Nicolson, 1965); and Giullambardo, Society of Women, 1966.


33. Prisoners' rights newsletters, to which women prisoners submitted material, included Midnight Special, The Outlaw, and No More Cages.


35. This is not to say that other prisoners do not share the same concerns regarding the provision of bilingual personnel and services. In fact, as the number of non-Spanish-speaking prisoners of color increases in New York State's penal system (e.g., Haitians) so may the potential for them to unite with Latinas/os to demand bilingual services and personnel.


37. See Thomas, Down These Mean Streets, 1967; Francis A.J. Ianni, Black Mafia: Ethnic Succession in Organized Crime (New York: Simon and


39. Researching New York City’s largest Spanish language newspaper, *El Diario-La Prensa* (hereafter cited as *El Diario*), was particularly challenging because the periodical does not have an index. This meant that microfilmed copies of the newspaper had to be reviewed, page by page, for each of the years I selected for study. This time consuming process limited the amount of years I was able to focus on. The same process of page by page review had to be conducted in the case where prisoners’ newspapers and prisoners’ rights newsletters were available.

40. Administrative organizations, such as the Inmate Liaison Committees (ILCs) created in New York State prisons in 1972 and the Inmate Grievance Resolution Committees (IGRCs) created at the end of 1975, were groups whose existence was mandated by DOCS’ directives and/or state laws. They could be comprised, as in the case of the ILCs, of prisoners, or, as in the case of the IGRCs, of prisoners and staff.

41. A prisoner group was composed of prisoners who had common goals and acted to further those goals. A formal prisoner group was one whose existence was officially recognized and authorized by DOCS. As such, it technically fell under the supervision of institutional personnel and/or outside DOCS approved volunteers. Informal prisoner groups were those whose existence had not been officially recognized by DOCS. Prisoner networks could include penal personnel and/or third parties who supported prisoner goals.
Litigation, Rebellions, Reprisals, and Reforms

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

—U.S. Constitution, Article XIII, Section 4

In prison you could die. They put on your death certificate that you died of a heart attack after they beat the living crap out of you. There was a place that you look out over the wall and there was a graveyard, man, and they used to have white sticks shoved into the ground that were two inches thick and six inches wide, painted white with a number painted in black. They didn’t even give them the dignity of putting their name.

—Piri Thomas, interview with author (1993)

Until the end of the 1960s, prison administrators and custodial personnel maintained almost complete control over penal institutions throughout New York State, partly because the courts and the legislature were hesitant to interfere in penal affairs. There was concern for maintaining the separation of powers. Judges and legislators argued that review of administrative decisions would undermine prison discipline and security. Prison administrators were seen as “the experts” in prison management. In 1969, the Federal Court (2nd District) of New York State recognized that:

We have consistently adhered to the so-called “hands-off” doctrine in matters of prison administration according to which we have said that the basic responsibility for the control and management of penal institutions including the discipline, treatment and care of those confined, lies with the responsible administrative agency and is not subject to judicial review unless exercised in such a manner as to constitute clear abuse or caprice on the part of prison officials.

The burden of proof for such abuse was left up to prisoners who lacked the resources to legally document that such abuse existed.
Judicial and legislative noninvolvement also rested on the Thirteenth Amendment of the United States Constitution passed in 1865, which abolished slavery except in the case of persons convicted of a crime. The amendment read: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Using this Amendment as the basis for their decision making, some judges chose to ratify unchallenged penal authority by ruling that a prisoner was a slave of the state. As a result, prison administrators were accorded as much right to decide the fate of prisoners as slave masters had over slaves.

Although the provisions of the Thirteenth Amendment with respect to prison slavery were finally challenged in 1941, it was not until the 1960s that federal and state courts gradually issued significant decisions supportive of prisoners. In Sostre, Pierce, SalMarion v. LaValle, 293 F.2d 233 (2nd Cir. 1961) the court ruled that a suit could be heard in a federal court without having been previously litigated in a state court. In Cooper v. Pate, 378 U.S. 546 (1964); 382 F.2d 518 (CA7 1967) the U.S. Supreme Court held that under the 1871 Civil Rights Act, prisoners could bring lawsuits in federal court, as well as sue and claim damages from prison personnel. Other decisions recognized that prisoners retained "all the rights of an ordinary citizen except those, expressly or by necessary implication, taken from him by law." In spite of such decisions, litigation had a limited impact on prisoners' lives. At times, court rulings were applicable only to the institution from which the suit originated. At other times, decisions favorable to prisoners made by a lower court were overturned or modified by a higher court. Moreover, decisions made by higher courts, short of the Supreme Court, had limited geographic impact. By and large, court decisions continued to grant deference to penal authorities.

The broad deference accorded penal administrators by legislative authorities in New York State was illustrated by the fact that the state's Penal Law, enacted in 1881, was not revised until 1965. Prior to 1967, chairpersons of the legislature's Penal Institutions Committee did not keep files of correspondence dealing with prisoner issues. This neglect resulted partially from the fact that legislators, oftentimes members of the monied elite, frequently tended to feel indifference or hostility toward criminal offenders. Further, prisoners were not a voting constituency. Nor did the sectors of the population prisoners tended to come from (e.g., poor and/or people of color) represent a significant voting block in the predominantly white upstate rural Republican areas which controlled the legislature after World War II. Moreover, Latinas(os) and African-Americans were underrepresented in the state's legislature though they were precisely the sectors of the population overrepresented in state prisons. As a result, there was little motivation for legislative elites to address the concerns of the penal populations.

By the end of the 1960s, prisoner demands for better living conditions and greater access to community volunteers were heard repeatedly, but legislative bills proposing even minor changes either died in the Senate's Committee on Penal Institutions or were vetoed by Governor Nelson A. Rockefeller. The governor's reluctance to interfere with the policies pursued by his appointees meant that Paul McGinnis, Commissioner of the New York State Department of Correction (DOC) from 1959 to 1970, had great control over what occurred in his Department. Under his direction, "... bureaucratic and administration policy were the same within the Correction Department, namely an overriding commitment to security and custody." McGinnis' concern with security and keeping Department running costs low meant that rehabilitation programs that demanded expenditures and/or the liberalization of prison rules did not generally have his support.

McGinnis' response to a prisoners' rebellion at Auburn Correctional Facility in 1970, demanding an end to guard brutality, better conditions, and greater access to rehabilitation programs, was to place nearly all prisoners in keeplock for three months and to lock others in solitary confinement indefinitely. Once in their cells, many prisoners were tear gassed and subjected to severe beatings. Many were transferred to Attica and other state facilities. Moreover, prisoners demanding reforms throughout the state were labeled "troublemakers" and "revolutionaries." DOC's practices were supported by the legislature, which in 1969 passed Chapter 319 of the New York State Corrections Law. This law allowed the Commissioner to transfer without restrictions prisoners protesting intolerable living conditions and/or attempting to organize other prisoners. This policy was designed to prevent reform-oriented leaders from forming bases of support within the prisoner population and from forging coalitions among prisoners. Furthermore, segregation and the frequent transfer of prisoners were used to interfere with prisoners' litigation efforts, which required prisoners to be housed in the institution in which the suit originated.
The mainstream media-covered and administered for the most part by wealthy white middle- and upper-class elements with close ties to state elites, tended to ignore or minimize prisoner concerns and protests. Penal matters became of interest only in times of crisis, such as rebellions, escapes, and other scandals. The few attempts made by the mass media to investigate prison conditions were resisted by penal authorities who feared that media coverage would invite increased public scrutiny, criticism, and demands for reforms, which would threaten the hegemony of prison administrators.16

Despite the nationwide resistance of penal administrators to calls for reforms, some minimal changes did take place in state prisons throughout the country after World War II. These changes occurred in the areas of facilities, job training, parole, health, psychological treatment, personnel, recreation, and revival of self-government and prisoner councils. Proponents of these reforms included members of the professional, legal, and academic communities. With the maturation of the professions of social work, psychiatry and related disciplines, the forces of reform became truly national in scope and gained clear ascendancy on the intellectual plane as well as developing a body of potential prison administrators with a vested interest in reform on a practical level.17

In New York State, the debate between proponents of the traditional custodial mode and reformers lobbying for greater prisoner access to rehabilitation programs continued to be decided in favor of the former. This imbalance was reflected by the fact that while personnel positions in the areas of rehabilitative services increased from 3 percent in 1960 to 6 percent in 1970, during the same period "custody-oriented personnel retained 73 percent of an increased total of the positions available."18 The shortage in rehabilitation programs was most severely felt in the areas of counseling, vocational training, and education.

Reformism was debilitated by the fact that despite increasing prisoner unrest during the 1960s, traditional social/religious reformers were not effectively involved in the state's prison reform efforts in the legislative and fiscal arenas. Mainstream reform groups such as the Community Service Society, the Correctional Association of New York, and the National Council on Crime and Delinquency did testify at public hearings held by the governor's Special Committee on Criminal Offenders, established in 1966. There, they supported the expansion of "specific treatment programs such as work-release and furlough programs . . . halfway houses, conjugal visits . . . and the amplification of educational programs within the institutions."19 However, the committee's final report did not consider these recommendations important. Even when included in the work of the committee, these organizations generally had limited access to information discussed by state officials. And, in some cases, the national directors of reform groups failed to pass on information critical of prison security measures to their local directors. Summarizing New York State's prison policy during the 1960s, Barbara Lavin McElwee wrote:

The reformers' lack of involvement, the bureaucratic concern for security and at the same time program economy, together with Rockefeller's lack of interest in this arena, contributed to a reinforcement of the status quo which may be viewed as a continuing tangible allocation of resources to the custodial interests of the correctional bureaucracy . . . .20

Thus, throughout much of the twentieth century, prisoners demanding reforms did not receive significant support from the courts, the legislature, penal authorities, mainstream social/religious reformers, community groups, or the mass media. It was not until the emergence of the first prisoners' rights movement that the hegemony of custodial elements began to be significantly questioned. This movement was spearheaded by the litigation efforts of both individual prisoners (e.g., Martin Scaredo) and of prisoners affiliated with the Nation of Islam; community actions opposing the imprisonment of prisoners serving; and the jail and prison rebellions of the late 1960s and early 1970s. It was the combination of third parties, reform-oriented state elites, and prisoners' individual and collective acts of resistance that characterized the first prisoners' rights movement.

Laying the Foundation for the Rise of the First Prisoners' Rights Movement21

. . . a prisoner movement is a fundamental agreement among prisoners that they have certain common goals and objectives and that they have certain common ideology and that they are going to work in some concerted effort, however loosely organized it may be, towards the realization of these goals and objectives.

—Eric Elliott, interview with author (1993)

In speaking of the prisoners' rights movement I refer to more than the sum total of court decisions affecting prisoners. We are dealing
with a broadscale effort to redefine the status (moral, political, economic, as well as legal) of prisoners in a democratic society. The prisoners' rights movement, like other social movements... includes a variety of more or less organized groups and activities; there is also a wide variation in the extent and intensity of individual participation. What is decisive, however, is a shared sense of grievance and the commitment to enhanced rights and entitlements for prisoners.


What came to be known during the 1970s as the prisoners' rights movement emerged within a context of increasing demands for the extension of political and legal rights and economic benefits to sectors of the population therefore marginalized. As James B. Jacobs observed: "Starting with the black civil rights movement in the mid-1950s, one marginal group after another—blacks, poor people, welfare mothers, mental patients, women, children, aliens, gays, and the handicapped—has pressed for admission into the societal mainstream." These sectors sought to make their demands heard through social protest movements. Some of these movements contained both civil disobedience and armed resistance components.

It was the violence against civil rights activists by rural and urban white populations as well as widespread police brutality in neighborhoods inhabited by people of color which had convinced many young Latinas(os) and African-Americans that armed resistance was the only way they could protect their communities from racial attacks and achieve significant societal changes. In 1966, the Black Panther Party was formed to offer an organized armed resistance against police brutality in the African-American community. A year later, twenty-three rebellions broke out in major U.S. cities. The rebellions were a reaction to the increasing frustration and anger felt by African-Americans in the face of racial discrimination, police brutality, poverty, poor medical and educational services, and increased imprisonment, among others.

The disaffection of African-Americans was echoed by Chicanas(os) throughout the United States as well as the growing number of Puerto Ricans forced to immigrate to the United States during the 1950s and 1960s. Once in the United States, Puerto Ricans joined with other people of color to demand better living conditions, an end to discrimination and police brutality, and the implementation of bilingual programs and services. Young Puerto Ricans, like young African-Americans, formed groups such as the Young Lords Party (YLP) to express their ethnic pride, secure community control over local resources, and struggle for Puerto Rican independence.

The actions of Latina(o) and African-American community activists were complemented by the increasing number of young white women and men who throughout the late 1960s and early 1970s protested against the draft and the Vietnam War. Their use of civil disobedience was supplemented by the urban guerrilla tactics of the predominantly white Symbionese Liberation Army and the Weather Underground. Moreover, white middle-class anti-war activists took over campuses forcing colleges and universities to close down. African-American and Puerto Rican students forced the closing of colleges and universities demanding the establishment of Puerto Rican and Black Studies Departments and the hiring of more Black and Puerto Rican staff. The latter efforts were duplicated by those of Latina and African-American prisoners who, through the use of rebellions and/or litigation, demanded criminal justice reforms, better prison conditions, the right to create formal racial/ethnic prisoner organizations, and the hiring of more staff of color.

Interestingly, the actions taken by Latino and African-American prisoners seeking reforms were not only examples of instances in which prisoners rebelled against their keepers but also, as was the case with outside Latina(o) and African-American community activism, occasions in which subordinate ethnic/racial populations challenged the hegemony of a dominant "white" state. The point that these populations were predominantly poor and working-class did not escape state elites. Furthermore, the fact that white women and women of color, as well as lesbians and gays, came to add their voices to these calls for reforms further brought into question the legitimacy of the heterosexual-dominated "male" state.

In the case of people of color, the white population and mainstream mass media responded to their numerous demands for social reforms with a cry for "law and order." This translated into calls for stiffer penalties for those who broke the law, larger police forces, and the construction of more prisons. The state responded with a combination of reforms and repression. The former included a number of anti-poverty programs designed to reduce discontent. The latter included blacklisting, framing, imprisoning, and murdering community activists as well as legislating new and more punitive criminal laws. "Red Squads" formed within police departments to gather information on those considered "subversives" and to infiltrate and destroy
their organizations. In New York State, prisoners demanding reforms met similar fates. To many people of color and their white allies, the growing imprisonment of African-Americans and Latinas/os itself demonstrated the continued unwillingness of the white-dominated state apparatus to seriously address the demands by communities of color for more civil rights and a redistribution of political power and economic wealth.

Changes in the Prisoner Population

Hispanics are disproportionately represented in numbers of arrests, numbers of convictions and by numbers of inmates in correctional institutions. They fail to receive appropriate support services while incarcerated and as a result have one of the highest recidivism rates among any ethnic group.

—Homer F. Broome, Jr.,
Address before the National Hispanic Conference (1980)

In 1963, the African-American prisoner population became for the first time the majority racial/ethnic group in New York State prisons. At that time, Latinas/os made up 11.5 percent of the total. This transformation in the racial/ethnic make-up of the prisoner population was accompanied by changes in the composition of the white prisoner population. The latter gradually came to include a significant number of anti-war activists and middle-class students imprisoned for drug offenses.

Diverse sectors of the prisoner population reacted and adapted differently to prison conditions. During the late 1960s and early 1970s some of the younger African-American and Latino prisoners, incarcerated for crimes not traditionally thought of as political in nature (e.g., burglary, larceny), began to see themselves as “political prisoners,” victims of an unjust society which disproportionately imprisoned poor and working-class people of color. For these men, many of whom initially became sympathizers of the Nation of Islam and later of groups such as the Young Lords and the Black Panther parties, prison discipline and programming were seen as attempts to force them to accept the inferior and submissive roles assigned them by white society. They regarded their imprisonment as an extension of the same oppressive policies the state carried out against their communities on the outside and on Third World people around the world. This social/political analysis was supported by sympathetic whites and people of color on the outside as well as by the most politicized white prisoners.

Within the prisoner population, however, there remained many prisoners who feared becoming involved with reform-oriented activities, lest they risk further reprisals such as confinement in segregation; the loss of “good time,” transfer to institutions located further upstate, and/or brutal repression at the hands of guards. Nevertheless, by the end of the 1960s, a significant number of prisoners increasingly made demands for better prison conditions through the use of litigation, the mobilization of third party support, and/or prison rebellions.

... up until that time we had prisoners who essentially felt that the treatment that was given them, there was nothing that they could do about it. They just had to suffer silently and accept it and try to be stoic and remain strong. Toward the end of the sixties and the early seventies we begin to see a prisoner now who’s got a political consciousness and a social consciousness and begins to say that, “These are not acceptable conditions for any human beings to have to live under...” and begins to actively seek to make change. We see prisoners challenging their convictions and challenging prison conditions in the courts.

The greatest threat to custodial hegemony posed by prisoner organizing efforts was attempts to forge interracial/interethnic alliances and/or mobilize third party support. Such alliances were facilitated by the emergence of a socially conscious white prisoner cadre and the oppressive living conditions to which all prisoners were subjected.

... there are some progressive whites in prison who identify with the struggle for human rights. We have some whites in prison who were part of the Anti-War Movement. We have some whites... who are just, for lack of better terminology, “rebels,” and threw their lot in with the Latinos and with the Blacks, not so much on the basis of race, but on the basis of the fact that the conditions are equally horrendous for Blacks, as well as whites. Although the whites are treated somewhat better because they’re white... one of the favorite sayings of the guards during that time was, “Blue against green and clubs are trumps.” And what they essentially meant was they wore blue uniforms, we wore green uniforms, so it was them against us and they had all the trumps because they had the clubs or the sticks, night sticks.
That alliances between prisoners formed despite a history of interracial hostility and ethnic divisions served to further legitimize prisoner claims of exploitation. Thus, the treatment the penal system accorded prisoners, as a group, helped lay the foundations for the emergence of prisoner unity. Such unity allowed prisoners to organize collectively to demand changes in the terms and conditions of their imprisonment and to mobilize outside support.

The calls for third party support on behalf of prisoners in New York State during the end of the 1960s and the beginning of the 1970s were primarily answered by family, friends, students, attorneys, and other community activists in support of Puerto Rican "political" prisoners, such as Martín Sostre, and African-American prisoners affiliated with the Nation of Islam. A brief review of the events surrounding the conditions encountered by Sostre and members of the Nation of Islam will illustrate the manner in which the criminal justice system responded to attempts by communities of color inside and outside the walls to empower themselves.

The Impact of the Nation of Islam

The role played by prisoners affiliated with the Nation of Islam during the 1960s in the emergence of the first prisoners' rights movement cannot be overstated. By demanding the right to form groups to carry out collective goals, the Nation of Islam began to challenge the "do your own time" mentality encouraged by prison officials, substituting it with a disciplined organization. Collective organizing provided an alternative model to the informal prisoner cliques upon which prisoner society had been hitherto chiefly based. Moreover, "With collective organization came the notion of collective oppression, which tended to blunt the individual pathology model." The latter model, generally advanced by social scientists and penal personnel, argued that people who broke the law were mentally ill.

Moreover, the "Nation of Islam often promised a solution for personal problems like drug addiction as well as an aggressive political practice" which encouraged training in martial arts. In an atmosphere charged with racism and violence perpetrated by white guards on prisoners of color, the latter training proved particularly attractive. African-American prisoners now had a collective way of physically protecting themselves from abuses by other prisoners and staff.

Furthermore, by asserting that, historically, all African-Americans shared a common enemy in whites, the Nation of Islam was able, during its early years of activism in prisons, to provide some measure of unity to an important sector of the African-American prisoner population. It was through contacts with the Nation of Islam in prison that future radical African-American political leaders such as Malcolm X, Eldridge Cleaver, and George Jackson became politicized. Furthermore, the Nation of Islam encouraged many Black Latino prisoners to develop a sense of racial as well as ethnic pride.

The impact of the Nation of Islam was also felt through court victories made possible by prisoners' rights attorneys and "jailhouse lawyers." These victories showed other prisoners that they too could curtail the power of their keepers and achieve reforms through litigation. Such successes also illustrated how vital it was for prisoners to mobilize outside sources of support.

The demands of prisoners affiliated with the Nation of Islam to be able to freely exercise their religious rights and, therefore, have access within the prisons to outside religious leaders, religious literature, and places of worship, were met with severe repression on the part of New York State authorities. As early as 1960, Commissioner McGinnis asked prison officials to keep files on all those prisoners affiliated with or suspected of being "Muslims." This information was turned over to the state police for placement in the "subversive file" for future reference. Furthermore, prisoners affiliated with the Nation of Islam were locked in solitary confinement, transferred to other facilities, denied meeting space, and prohibited from wearing religious symbols. Nevertheless, litigation efforts by members and supporters of the Nation of Islam were successful in generating a series of favorable federal and state court decisions whose impact was felt at the institutional level.

Complementing the efforts of members of the Nation of Islam were those of jailhouse lawyers such as Martín Sostre, a Black-Puerto Rican, who became a Muslim for a short period of time in order to carry out litigation efforts on behalf of Muslim prisoners denied the right to practice their religion.

The Case of Martín Sostre

Martín Sostre's experience with the New York State criminal justice system exemplifies the treatment Puerto Rican community activists frequently received from state agencies. The owner of an Afro-Asian bookstore in one of Buffalo's African-American neighborhoods at the end of the 1960s, Sostre was frequently harassed by FBI
agents and local detectives for selling political literature by and about people of color and holding educational activities in the store. In 1967, following a three-day rebellion in Buffalo's African-American community that summer, Sostre was framed by police officers with the assistance of a community member and eventually arrested on charges of assault, arson, riot, and possession of narcotics.

... first they accused me of teaching the youth how to make molotov cocktails and throw them to burn some of the businesses that were burnt. And then right after that, while they had me incarcerated ... they changed that to selling drugs to some addict. Which later on this addict, several years later, he came back from California and recanted. In other words, he told the story as it happened, that the cops gave him the drugs when he came in the bookstore and the money ...

Sentenced for thirty years, Sostre was subsequently convicted of assaulting five prison guards and sentenced to an additional ten years. The conditions surrounding his conviction showed the dilemma prisoners of color faced at the hands of a white-dominated criminal justice system. "It's their word against me, you know, five guards. They're white and they're local. The judge is local, from that town, and me this Black Puerto Rican, you know. Who are they going to believe?"

Sostre's political consciousness was sparked by the speeches of Paul Robeson, Malcolm X, and Vito Marcantonio in the streets of Harlem and by his personal conversations while imprisoned in "The Tombs" (New York City House of Detention) with Puerto Rican nationalist Julio Pinto Gandia, himself imprisoned on false charges at the beginning of the 1950s. Sostre's own experiences in New York City jails and state prisons from 1952 to 1964 and his exposure to various civil rights and anti-colonialist movements in the United States and abroad (e.g., Vietnam, Puerto Rico) made him determined to resist the harsh treatment he received while imprisoned.

They kept shifting me from prison to prison, and not only prison to prison, sometimes from the solitary confinement of one prison to another solitary confinement."

If you're in solitary confinement they take everything from you, you don't have anything. And yet, in order to humiliate you, every time you go out of solitary confinement, let's say to see a lawyer or visit or whatever, they make you strip. They make you bend over. They make you open your cheeks and they look in your ass and they make remarks, you know, like, "I'd like to stick this club in there," and all that ... So I just wouldn't submit to that. So they used to beat my ass and ... put me on the ground, one used to ... pull one leg one way and the other one way, you know. In other words, they used to "force it themselves because I would never submit."

I always equated myself, compared myself to Vietnam, you know. I'd say, "Hell, if they can beat this country, I can beat these son of a bitches here. I don't care how many goons they have, what are the odds, how much time. I'm going to fight, just like the Vietnamese fought, and I'm going to win," which I did."

While Sostre was older than most Puerto Ricans in New York State prisons at the end of the 1960s, he typified the politically conscious Latino prisoner present in New York jails and penitentiaries at the time. However, what is most instructive about the case of Sostre is how it resembled and, at the same time, differed from the experiences of Latino prisoners as a whole. Sostre's experiences in the criminal justice system (i.e., framing, imprisonment, physical abuse by guards, constant transfers, long periods in solitary confinement) have been shared by countless other Latino(a) prisoners throughout the United States, regardless of whether they have been labelled political prisoners or common criminals. However, few Latinas(os) have been able to mobilize the kind of local, national, and international support Sostre generated. Such support has generally been reserved for Chicana(o) political prisoners and Puerto Rican freedom fighters targeted, as was Sostre, by the United States government for persecution because of their political beliefs.

Martín Sostre Defense Committees sprang up in major cities in the United States, Canada, and Europe and demanded his release from prison. These committees educated the public about Sostre's plight, distributed written material by Sostre, held press conferences, picketed government offices, and carried out massive petition drives and demonstrations. Additional support was generated by "the leftist newspapers, which were mostly [run by] whites ... and publications like, Palante ... and Right On, the Black Panther paper." Support for Sostre's release was amplified during the early 1970s when he was declared a "prisoner of conscience" by Amnesty International. His case also motivated renowned foreign political figures, including Soviet dissident Andrei Sakharov, to rally to his sup-
Sostre's outside support was matched by his own litigation efforts as a jailhouse lawyer. According to a *New York Times* article, "The name Sostre is tied to much of the legislation here involving the rights of prisoners to practice their religion, receive uncensored mail, obtain certain minimum conditions in solitary confinement and refuse rectal searches." Sostre's personal response to the treatment he received while imprisoned—his own use of physical resistance, the courting of third party support, and persistent litigation—differentiated him from the overall Latina(o) prisoner population which rarely used litigation as a strategy for changing prison conditions. Sostre attributes the lack of widespread litigation by Latina(o) prisoners to language barriers and the limited knowledge Latina(o) prisoners have about their legal rights and the workings of the legal system. An additional factor discouraging the use of litigation by Latina(o) prisoners has been the lack of access to legal personnel and concerned community members. In those cases in which legal support has been available (e.g., Puerto Rican Prisoners of War, Grand Jury resisters, Chicana(o) political prisoners), Latina(o) prisoners throughout the United States have been more than willing to use litigation as a tool of resistance.

In New York State, the relationship between prisoner litigation and DOC changes in policies was clearly evident. Frequently, DOC issued statewide directives modifying specific policies in response to litigation in progress at one of its facilities. For example, it was in response to litigation filed by Sostre that DOC issued a new directive, effective October 19, 1970, changing existing disciplinary procedures. Although the original court decision was modified on appeal to the state's advantage, the DOC directive was not rescinded in the hopes that it would avert future litigation efforts. By addressing issues which led to litigation before decisions were handed down, DOC hoped to avoid unfavorable and more far-reaching court decisions as well as precedent-setting cases which could be used by prisoners in other facilities to demand further changes.

Reforms initiated by Commissioner Russell G. Oswald after his appointment on January 1, 1971, to the newly restructured Department of Correctional Services (DOCS), clearly reflected not only his own liberal orientation, but the relationship he and other state elites perceived existed between litigation, reforms, and prison rebellions. Oswald's appointed by Governor Rockefeller to head DOCS, had itself served as a signal to custody-oriented personnel that the Governor was willing to address some of the demands for reforms from prison-ers and their advocates inside and outside DOCs. Such reforms seemed especially urgent after the August and October 1970 New York City jail rebellions, the strikes at Attica and Napanoch that same year, and the November rebellion at Auburn Correctional Facility. In all of these cases, Latino, African-American, and white prisoners had come together to demand changes just as they had done during the 1960s to demand the passage of a "good time" bill.

**Latino Prisoners, Their Allies, and the 1970 New York City Jail Rebellions**

A prison riot explodes like a boiler that's built up steam from a long way back. When it comes, control is near impossible, especially if there's been no real planning, no prisoner unity, and only scattered, disorganized leadership.

—Sri Thomas, Seven Long Times (1974)

... a rebellion is purposeful. A riot... has no particular rationale or if it does have a rationale the rationale is not to make change. ... A rebellion seeks change and a rebellion comes at the end attempt of other ways of solving the problems.

—Daniel Meyers, interview with author (1993)

The New York City jail rebellions which broke out in Manhattan, Brooklyn, and Queens during August and October 1970, were important to state authorities for several reasons. First, the fact that prisoners did not limit themselves to demands for prison reform but also encompassed issues pertaining to the broader criminal justice system (e.g., bail, trials), indicated their growing awareness of the interrelationship between state agencies. Second, because a large number of prisoners held in New York City jails were state prisoners awaiting assignment to state facilities, the rebellions indicated the level of politicization and the concerns of a significant number of prisoners soon to be housed in state prisons. Equally important was the fact that by questioning as a class the political system's right to institutionalize them, prisoners indicated their willingness and ability to form alliances across racial/ethnic lines. The newness of this solidarity was expressed by Victor Martinez, a Young Lords-identified prisoner leader, during the 1970 October rebellion at the Long Island Branch of the Queens House of Detention. Martinez himself had been chosen by his peers during the rebellion to serve as a representative...
in the negotiating committee of both Latino prisoners and the newly created Inmates Liberation Front. The latter was subsequently incorporated as a section of the YLP.69 “Ayer los hombres aquí en esta prisión actuamos como verdaderos hombres y hermanos, y por primera vez hemos unido nuestras fuerzas para traer a la luz pública la horrible situación de injusticia, discriminación, abusos, sucedida y mal trato de que somos objeto por parte de los puercos.”

The solidarity of African-American and white prisoners with their Latino counterparts was demonstrated by the fact that the grievances put forth included concerns specifically pertinent to Latino prisoners. These included:

a) que haya más intérpretes en cortes y prisiones;70
b) más abogados puertorriqueños;
c) comunicación en español con los familiares;
d) que terminen las injusticias contra los boricuas por parte del “establecimiento”; y
e) que les provea material de lectura en español, particularmente el periódico —El Diario— totalmente gratis.71

An additional grievance Latino prisoners rallied to was the case of Efren Hernández. At the time of the revolt, Hernández had been detained for three years pending his testifying as a material witness in a murder case.72

The support among Black and white prisoners for Latino prisoner concerns had also surfaced during the earlier August 1970 rebellion at The Tombs. At the time prisoners complained of, among other things, “unnecessary brutality . . . directed against the black and Puerto Rican inmate population.”73 Additionally, African-American and white prisoners supported Latino demands for a translator to be available on each floor on a twenty-four hour basis and for the provision of educational materials in Spanish and English.

Another aspect of the New York City rebellions which was of importance to state elites was the fact that Latino and non-Latino prisoners were able to mobilize third party support. For example, during the Long Island rebellion, Latino prisoners demanded and obtained the presence of reporters from El Diario74 and the inclusion of Herman Badillo, then running for Congress,75 in the Negotiating Committee. Latino prisoners also called for the creation of a “grievance committee” to which prisoners could submit their complaints. The committee was to include, among others, Herman Badillo and

Senator Robert García (District 30, Bronx-Manhattan).76 By seeking the support of the Spanish-speaking press, Latino politicians, and radical Latina(o) groups, such as the Young Lords, Latino prisoners were indicating their willingness to court diverse sectors of the outside Latina(o) community to achieve their goals. Such support was needed both to publicize the plight of prisoners and to pressure penal authorities to make changes.

Prior to the late 1960s, the support of the Latina(o) community for prisoner concerns had been primarily limited to that of family members and a few radical political groups. The reasons for this were threefold. First, it was the Latina(o) community which bore the brunt not only of discriminatory criminal justice policies, but also of Latina(o) street crime. As a result, the outside community resented the actions of Latinas(os) who endangered the lives and property of those around them. Secondly, Latinas(os) internalized the arguments of social scientists, state “and religious elites who labelled those who broke the law “sick,” “immoral,” and/or “deviant.” Many came to believe that by imprisoning those who broke the law, the state was providing a valuable service to the community. Last, the outside Latina(o) community’s day-to-day struggle for subsistence meant Latinas(os) had little time, energy, and/or few resources to support a prisoner population kept almost completely isolated by the state’s procedures. It was those persons with close personal ties to Latina(o) prisoners (e.g., family and friends) or those who held a political view which emphasized the common experiences of Latinas(os) inside and outside the walls who were most likely to support Latina(o) prisoners.

Latina(o) families played a crucial role in providing their imprisoned kin much needed financial and emotional support. The type of support provided was, however, frequently constrained by limited economic resources, language and structural barriers (e.g., racial discrimination), and fear or lack of understanding of the workings of the criminal justice system. Nevertheless, it was family members who were the most likely to pool resources to hire an attorney for an incarcerated relative. It was also family members who were most likely to send prisoners much needed provisions or money. Contact with kin through visits, letters, and phone conversations helped break the isolation imposed by imprisonment and allowed prisoners to feel cared for. “We lived for letters from home. If a guard passed at night and he passed your cell and he didn’t put a letter in your cell, you know, you didn’t show it on your face, your face was “cara palo” but your heart
almost wept. And then what would happen is we would let each other read our letters sometimes.79

Once Latina(o) prisoners became eligible for parole, work release and/or furlough programs, it became even more important for them to prove they had ties in the outside community, particularly with family members who could provide financial support upon release. Receiving frequent visits, mail, and packages from relatives were ways to prove such bonds existed.80

Latina(o) prisoners were well aware that those prisoners with few or no family ties were more likely to be mistreated by prison personnel.

I think men with families do not suffer the victimization the men that don’t have anyone suffer. . . . You can kill a guy if he doesn’t have any family. Nobody is going to say anything to your questions. If a guy has got family and they care about that person, people are going to be asking questions and causing problems. Problems that you cannot answer.81

The “watchdog” functions family members exercised over penal authorities were essential. One’s kin could write letters and/or make calls to prison authorities, attorneys, community organizations, and the mass media.

There were also times when family members provided support to prisoners engaged in activities for which they could be further punished by penal personnel. For example, on occasion, relatives became part of prisoners’ reform-oriented networks.

You get a manila envelope and put like ten letters in it, two of them just . . . for people you want to write, and you mail it to your family with a letter saying, “Please mail this out,” you know, “We’re having this and that problem.” Or you get your family to call the prison or your family can get a lawyer and call your lawyer and ask them what’s happening with you or with this group or with that . . . or you go to the media. You know, little things . . . [the] administration don’t like any noise from the outside.82

The role of family members as sources of support for Latino prisoners was made evident during the 1970 New York City rebellions. Relatives and friends flooded DOC offices and El Diario with calls and letters inquiring about the status of imprisoned kin, some of whom had been transferred to other local or state facilities or who had been hospitalized as a result of guard brutality.83 Families also held a vigil outside the Brooklyn House of Detention, protesting the conditions to which their loved ones were being subjected.84 The inquiries of family members were frequently ignored and women asking about the fate of loved ones were at times physically abused by guards,85 but such requests for information did help to further encourage public scrutiny of jail conditions.86

The actions of family members on behalf of imprisoned relatives were complemented by the calls of Latino politicians, such as Herman Badillo, for the formation of a poor people’s bail fund and the creation of an impartial committee to investigate conditions in the city’s jails.87 Badillo felt the committee should include the input of lawyers from the YLP,88 which had consistently supported prisoners’ demands.89

At the time of the New York City rebellions, the Young Lords Party, in conjunction with prisoners’ kin and grassroots organizations (e.g., Black Panther Party), held a series of demonstrations outside city jails90 and other public buildings in an attempt to force government officials to carry out penal reforms. This included a demonstration organized in conjunction with women’s, people of color, and other grassroots organizations, to highlight the conditions faced by the overwhelmingly Latina and African-American jail population at the Women’s House of Detention in Manhattan’s Greenwich Village. Prisoners’ grievances included:

1) Basic necessities, such as toothbrushes, soap and deodorant are missing. 2) In order to get the basic necessities . . . inmates sometimes are forced to sell their bodies. 3) The sisters are paid only 3 cents to 10 cents an hour for work done inside (work in the laundry, kitchen, and library, etc.). 4) The allowance . . . is given only on request. 5) There is no instructive education taking place . . . 6) The most recent legal book in the prison library is dated 1950. All the Legal Aid lawyers are too busy and overworked now to handle the cases of our sisters properly. . . . 7) If women with money are picked up for shoplifting, they are dismissed as kleptomaniacs . . . if . . . arrested, they’re usually let off with a much lesser penalty than if they were poor . . . 8) The cells inside the Women’s House of Detention are divided racially—Black on one side and white on the other side. Sisters are encouraged to be antagonistic towards each other. . . . 9) Sisters from the streets are picked up for prostitution, yet the businessmen who buy and use their bodies are never prosecuted. . . .

It is clear from the description given in this quote, that the plight of Latinas in New York City jails was similar, if not worse, than that
encountered by Latino prisoners during the New York City rebellions. However, aside from the support of family and friends, the attention given incarcerated Latinas by the outside Latina(o) community was scant. In fact, the demonstration organized in front of the Women’s House of Detention, along with other activities held in support of African-American political activist Angela Davis during 1970, and women members of the “Panther 21” was one of a few instances in which the plight of women in jails was highlighted by several outside Latina(o) community organizations. This was so despite the fact that women held at the Women’s House of Detention were as politically aware and as willing to support one another as their male counterparts.

Several of the reasons the concerns of incarcerated women were ignored to such an extent by the Latina(o) community were the fact that women convicted of crimes were seen as being more morally corrupt than their male counterparts, women prisoners made up a small number of the jail population, and male prisoners, partly as a result of their larger numbers, were able to call attention to their plight through mass actions. However, as the New York City jail rebellions showed, even Latinos were only able to have their concerns acknowledged, though rarely adequately addressed, by penal authorities as a result of rebellions. Consequently, the importance for prisoners of having third party sources of support which could call attention to their plight on an ongoing basis.

In addition to sponsoring demonstrations, the YLP supported incarcerated Latinas(os) by holding press conferences and community forums attended by clergy, community members, politicians and other public figures interested in penal reform. Perhaps one of the most significant actions carried out by the YLP was the takeover of the Primera Iglesia Metodista de Harlem (First Methodist Church of Harlem) on October 18, 1970. The takeover, which had been carried out by an armed YLP, was a response to the death of Julio Roldán, a YLP member who died while being held at The Tombs. The YLP demanded that the church be turned into a legal center and that members of the clergy be allowed to begin an investigation into the penal system. This demand seemed particularly urgent in view of the recent jail rebellions and the alarming number of “alleged” suicides among Puerto Rican and African-American prisoners in the city’s jails.

The response of the Latina(o) community to the takeover reflected conflicting political opinions concerning the appropriate tactics and strategies to pursue while seeking redress from state elites. For example, Héctor L. Vázquez, executive director of the Foro Puertorriqueno, Inc., also called for an investigation into the death of Roldán. However, Vázquez’s declarations were aimed at reducing the increasing support for radical groups, such as the YLP, within the Latina(o) community.

En estos momentos en que la atmósfera emocional de nuestra nación y de los países vecinos están preñados de violencia y temor, nos sentimos extremadamente alarmados por las recientes expresiones peligrosas de la creciente militancia en la comunidad puertorriqueña. Este se debe a las frustraciones causadas por el sentimiento de impotencia que sufre dicha comunidad . . .

Vázquez’s statement was designed to make a comparison between the revolutionary violence occurring within the United States and Latin America at the time and to counteract the YLP’s call to the Puerto Rican community to arm itself for the purpose of self-defense. According to the YLP:

The murder or “suicide” of a Puerto Rican or black in the prisons of Amerikka and Puerto Rico is not unusual. . . . For years, revolutionaries, servants of the poor, fighters for freedom, have been killed in the streets, houses, mountains. For years our people have been killed by the yanki . . .

Our nation is a colony. Whether in Bridgeport or Fajardo, we are controlled by the yanki . . . That is why on October 18, when 2,000 people from El Barrio marched in Julio Roldán’s funeral, we seized the People’s Church for the second time. This time, though, we took the church with arms, with shotguns, rifles, everything we could find, and prepared to defend it.

We said, two LORDS are dead. We are not going to wait for the third, the tenth, the twentieth. . . . We have no choice, at this time, but to pick up those guns and say to all of our nation—ARM YOURSELVES TO DEFEND YOURSELVES. . .

Other public figures such as Councilman Carter Burden and Herman Badillo condemned the use of weapons but at the same time demanded an investigation of the unusual number of suicides. William J. Vanden Heuvel, president of the Board of Prisons of the
City of New York, partly attributed the alarmingly high rate of suicides among Puerto Rican male prisoners to language barriers and the cultural alienation they faced once incarcerated.

No sé de ningún programa en los establecimientos de detención del Departamento de Prisiones de la Ciudad de Nueva York además de la que empezaron y operaron los mismos reclusos, donde los adultos que hablaren o lean poco o ningún inglés sean adiestrados en idioma o literada. Los pocos programas para los reclusos de habla española que existen o han existido, son generalmente de naturaleza religiosa, conducidos por ministros voluntarios, como las clases de Biblia en español. En Las Tumbas, según el Alcalde, hay ocho o nueve oficiales de habla español entre 240.106

Heuvel recommended hiring Spanish-speaking personnel and interpreters, teaching literacy and English-as-a-second-language courses, and providing cultural programs and events in Spanish that would involve the participation of the Latina(o) community on the outside.107

In summary, the support for incarcerated Latinas(os) within the Latina(o) community at the end of 1970 was limited to: the individual and collective actions of family, friends, and grassroots radical community activists; calls for reforms from a few Latino and Anglo politicians; and coverage offered by El Diario and Palante. With few exceptions, these calls for reforms centered around the conditions and needs of Latino prisoners, the plight of Latinas in jail being generally ignored.108

Penal Responses to Calls for Reforms

The reaction of local and state elites to the New York City rebellions were varied. While New York City authorities named Latinas(os) to the revitalized Board of Corrections,109 the state singled out for prosecution a small number of predominantly Latino and African-American prisoners involved in the revolts. Moreover, following the rebellions, prisoners continued to be physically abused and were denied basic services by custodial personnel. A former Latino prisoner described the treatment prisoners at the Brooklyn House of Detention received once the uprising had ended.

"En la Sección A-B-C y D en el cuarto piso, los presos han sido castigados sin piedad con macanas, hierros y pedazos de maderos. Todo porque están protestando de la escasa comida—dos rajas de pan por la mañana, dos por el mediodía y dos por la noche—que se les da, y porque hace más de 3 días que no se les suministra agua que beber. Otra cosa inhumana que han hecho"—nos sigue diciendo Miranda—"es que le han quitado ‘frizas’ y sobre todo que no les quieren llevar al médico sin antes no firmen un papel que dice que han tenido esos golpes por un accidente sufrido."110

The response of local and state elites was seen by critics as an attempt to both intimidate reform-oriented prisoners and to "cover up the popular nature of the prison rebellions."111 However, the response of most penal administrators was exemplified by New York City DOC Commissioner George McGrath, who declared that the rebellions were planned and directed by a small group of militant radicals inside and outside the jails.112 These accusations were reiterated by then New York State Commissioner of Corrections Paul McGinnis.

... inmates today are younger, organized, more militant, more violent and more demanding. They don't consider themselves thieves, rapists or murderers. Today they feel they are political prisoners jailed by a repressive society. ... Black Panthers and Young Lords (a militant Puerto Rican group) are the most vocal and violent of the militant groups inside prison walls. ... There have been indicators that ... disturbances are planned for other institutions within the system. There is reason to believe that inmates received instructions from outside.113

These arguments were the same ones used by Commissioner McGinnis to justify the breakout of rebellions in state facilities during 1970.

While local government officials resisted the calls for reforms, they quickly addressed the demands of the New York City Correctional Officers Benevolent Association for more training, the payment of overtime wages owed to guards, the hiring of more guards, new riot equipment, and the introduction of additional security measures.114

State elites also transferred six hundred of the sentenced prisoners who had participated in the jail rebellions to state penitentiaries, despite the objections of Commissioner McGinnis. McGinnis's own replacement on January 1, 1971, by Russell G. Oswald, a liberal, was itself a response to growing tensions within state prisons that had become even more acute after prisoner actions at Attica, Napanoch, and Auburn at the end of 1970.
Once Oswald was named DOCS Commissioner, he began carrying out a number of reforms intended to reduce prisoner discontent. The reforms included the recruitment of a small number of Latina(o) and African-American guards and the involvement of more community volunteers in state prisons. The presence of volunteers was expected to lessen prisoner discontent because the former sponsored a number of programs that allowed prisoners to leave their cells for a greater number of hours each day. This helped ease tensions resulting from overcrowding. Oswald also upgraded the quality of the food and gave prisoners additional access to telephones. Equally important was the fact that he carried out reforms in areas already under litigation. He granted mail and visiting privileges to inmates’ common-law spouses; revised censorship procedures to permit inmates to correspond privately with attorneys and public officials; and allowed greater accessibility of news media to prisons to increase public knowledge of conditions.\[14\]

The impact of Oswald’s initiatives, however, was hampered by the state’s budget crisis at the time and the fact that, although Governor Rockefeller recognized the need for prison reforms, penal matters were never a budgetary priority of his or of the Office of the Budget. Moreover, custody-oriented personnel continued to resist the implementation of rehabilitation programs and the granting of more privileges and rights to prisoners. For example, when Oswald tried to liberalize the censorship of newspapers, guards responded by cutting out articles they felt prisoners should not read, especially those about rebellions in other facilities.\[13\]

By the time the Attica Rebellion occurred in September 1971, conditions throughout the state penal system were so tense from years of penal neglect and prisoner discontent that a major disturbance seemed imminent. Writing about the prevalent mood in the state’s six maximum security prisons in the early 1970s, Oswald stated: “All of these were powder kegs in the fall of 1971 and, before Attica, we did not know which one, or which ones, would be ignited.”\[16\]

Ironically, one of the final incidents that contributed to increasing tensions before the Attica Rebellion, the murder of African-American prisoner leader George Jackson, occurred not in a New York, but in a California prison. The important role Jackson played in awakening the political consciousness of African-American, Latino, and even white prisoners was described by former New York State prisoner, Eric Elliott.

...there's a direct relationship between what happened in Attica on September 9th and George getting killed. I think that kind of dramatized for prisoners all over the country, but particularly in New York State... how callous the administration was, how little regard they had for human life... George... represented leadership in the prisons. He represented Black manhood... He... was the first... national prison voice that really spoke to our issues and our concerns and defined us in terms of who we were. And when they murdered him, I think that... a little bit of us guys died with him, and a little bit... wanting to strike back, occurred.\[17\]

In summary, following World War II, prisoners’ ability to have their concerns addressed was hindered by the lack of widespread third party support and the refusal of legislative and judicial elites to interfere in penal affairs. Third party support was generally limited to the actions of family members, a few radical organizations, and the limited actions of traditional social/religious reformers.

As a result of the emergence of various civil and human rights movements during the 1960s, Latina(o) and African-American prisoners and progressive forces on the outside began to question the role imprisonment played in helping maintain the status quo. Such questioning led to the growing support of prisoners by third parties and members of the non-penal state bureaucracy (e.g., judges, legislators). Such backing, in turn, allowed prisoners, individually and sometimes collectively, to challenge penal policies through successful litigation efforts.

Increased social awareness also allowed prisoners to become more conscious of the similarities they shared, as prisoners. This awareness, coupled with the limitations of litigation in achieving desired reforms, led Latino, African-American, and white prisoners to make their concerns heard through a series of rebellions in local and state penal institutions.

The New York City jail rebellions of 1970 represented one of the many attempts by prisoners since the nineteenth century to have their grievances acknowledged and addressed by state elites. The major differences between the earlier rebellions and those of the late 1960s and early 1970s were that Latino and African-American prisoners had come to regard their imprisonment as part and parcel of oppression to which their communities of origin were subjected by those in power. Moreover, prisoners had developed a clearer understanding of how their grievances related to those decreed by contem-
porary social movements. This led them to pursue coalitions with progressive social forces within and outside the penitentiaries. For Latino prisoners, such political awareness led to an identification with radical grassroots community groups such as the Young Lords Party, and demands for access to the Latina(o) media and the outside Latina(o) community during the 1970 August and October New York City jail rebellions.

Conservative state elites initially responded to prisoners’ isolated calls for reforms with repression. However, once the latter demonstrated they could mobilize outside support, state elites countered with a combination of repression and reforms. The reforms were designed to reduce prisoner discontent or, at least, to intimidate prisoners into compliance. Additionally, the reforms were aimed at reducing the support for prisoners’ rights among third parties and reform-oriented state sectors. However, as the September 1971 Attica Prison Rebellion demonstrates the reforms came too late to achieve any of these goals.

Notes: Chapter 2


4. As Erika Anne Kates noted: "In 1941 a landmark suit, *Ex Parte Hull,* (312 U.S. 546. 61 S. Ct. 640, 85 L. Ed. 2d. 1034 [1941]) "prisoners regained some Constitutional rights; and in 1944, *Coffin v. Reischard* (143 F.2d 443 [9th Cir. 1944]) "they regained all rights except those expressly taken from them. However, almost all states still have Civil Death or Disability statutes which act to constrain prisoners and ex-offenders from holding specific types of employment, holding public office, jury duty and other responsibilities" (Erika Anne Kates, "Litigation As a Means of Achieving Social Change: A Case Study of Women in Prison" [Ph.D. diss., Brandeis University, 1984], 173). See also Alvin Bronstein, *Representing Prisoners* (Washington, D.C.: Practical Law Institute, National Prison Project, American Civil Liberties Union Foundation, 1981).


6. As a result of court intervention, "By 1980, twenty-nine states had been directed to undertake either partial or total overhaul of their penal systems. Most of these decrees were in response to suits alleging overcrowding, lack of adequate medical facilities, disregard of due process rights, inhumane or arbitrary staff practices, and lack of access to the courts" (Kates, "Litigation As a Means," 177). In some cases, court masters and monitors were appointed to oversee compliance with judicial decisions. (For more information on these cases, see Bronstein, *Representing Prisoners*, 1981). The most common legal methods invoked by prisoners are *Habeas Corpus* and Section 1983 of Title 42 of the United States Civil Rights Code. The former, used to challenge imprisonment, concerns itself with issues regarding trial and appeal procedures. It requires that all state and administrative channels be exhausted before a federal court hearing is granted. Section 1983, used to challenge prison conditions, claims a violation of civil rights. The amendments most widely invoked in prisoner litigation included: the First, the Eighth, which prohibits cruel and unusual punishment; and the Fourteenth, which guarantees equal protection under the law (Kates, "Litigation As a Means," 172–176). Although the Supreme Court was more willing to involve itself in prisoner litigation during the 1960s and 1970s, its decisions, even when considered favorable, have not, for the most part, constituted clear victories for prisoners. While in *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L. Ed. 2d 935 (1974), the Supreme Court held that, pending severe disciplinary measures, penal authorities must give prisoners written notification of disciplinary infractions within a twenty-four hour period as well as allow him/her to present witnesses before an impartial hearing, in 1976, the court held that, "states have absolute discretion in reclassifying and transferring prisoners without procedural protection (Meachum v. Fano, 427 U.S. 215 [1976]), unless prisoners were engaging in a constitutionally protected activity (Montanye v. Haymes, 427 U.S. 236 [1976])" (Kates, "Litigation As a Means," 175). Additionally, although the Supreme Court has declared entire prison systems in violation of Eighth Amendment rights (e.g., Arkansas), it has refused to set acceptable standards for prison officials to follow (Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976). Moreover, in *Pugh v. Locke*, 406 F. Supp 318, M.D.Ala (1976) the Supreme Court held that the right to "rehabilitative" programs itself was not established, only that once programs are available they must be available to all inmates" (Kates, "Litigation As a Means," 174). Once again, during the 1980s, state and federal courts became increasingly hesitant to involve themselves in penal matters or file decisions on behalf of prisoners.

7. An example of this conflict between various court jurisdictions involving prisoner litigation in New York State was illustrated by the decisions in *Sostre v. Rockefeller*, 312 F. Supp. 863 (S.D. N.Y. 1970), modified sub nom, *Sostre v. McGinnis*, 442 F. 2d 176 (2d Cir. 1971), cert. denied, 404 U.S. 1049, 92 S.Ct. 719, 30 L.Ed.2d 740 (1972). In the first case, the District Court ruled...
that prior to placing a prisoner in segregation, prison officials had to follow due process in disciplinary hearings (e.g., "notice, impartial hearing examiner, right of cross-examination, right to present witnesses, right to counsel or counsel substitute, written decision with reasons for finding and disposition") (Sheldon Krantz, Corrections and Prisoners' Rights, 2nd ed. [St. Paul: West Publishing Co., 1983], 112). The District Court also found that holding a prisoner in solitary confinement for over a year was cruel and unusual punishment. In order to ensure that prison officials would obey the decision, Judge Motley retained jurisdiction over penal officials. However, in Sostre v. McGinnis, the court modified Judge Motley's opinion, claiming that although prisoners needed to be assured minimum protections these should not be determined by the courts (Ibid., 113). Both decisions refused to hold that confinement in punitive segregation was per se cruel and unusual punishment.

8. Barbara Levin McElaney, Correctional Reform in New York: The Rockefeller Years (Lanham, Md.: University Press of America, 1985), 32–33. Underlying this situation was the fact that discriminatory economic, social, legal, and political policies and practices had historically prevented many people of color from exercising such constitutional rights as the right to vote.

9. Paul McGinnis was a former New York State trooper who had risen through the ranks. As such, he was widely supported by the penal bureaucracy and institutional custodial elements who saw him as "one of their own" (Ibid., 22–23).

10. Ibid., 94.

11. Confinement of a prisoner to his/her cell.

12. McElaney, Correctional Reform, 85–86.


15. McElaney, Correctional Reform, 86.

16. Such fears had been expressed as early as 1914. As a New York Times article reported, "The prisoners in the penitentiary have been agitated by newspaper stories and investigations. These stories have done immeasurable harm; so has the grand jury investigation which took place that year. In that investigation several indictments were found, and an inquiry was directed at certain prison officials and keepers. The prisoners got the idea that they were just as good as their keepers and they have taken advantage of what they thought was an opportunity to flout insults at the keepers" (David G. Garson, "The Disruption of Prison Administration: An Investigation of Alternative Theories of the Relationship Among Administrators, Reformers, and Involuntary Social Service Clients," Law and Society Review 6, No. 4 [May 1972]: 531–560, 535–536 quoting New York Times [hereafter cited as N.Y. Times], 14 July 1914, 1, 6). Increasing prisoner access to books, radio, television, and newspapers throughout the twentieth century was blamed for the "contagion" effect observed during the 1970 New York City jail rebellions. At the time, prisoners in one facility appeared to rebel upon finding out that prisoners in other institutions had already rebelled or were about to do so (Garson, "The Disruption of Prison Administration," 543).

17. Ibid., 540–541.

18. McElaney, Correctional Reform, 64.

19. Ibid., 58.

20. Ibid., 34.

21. According to former prisoner Eric Elliott and prisoners' rights attorney Elizabeth Fink, New York State has experienced two distinct prisoner movements. The first movement emerged in the mid-1960s and was an extension of widespread community activism during the 1960s and 1970s for civil and human rights. This movement found a cadre of politicized prisoners forming alliances with third parties seeking to wrestle significant concessions from the state (Eric Elliott [pseud.], interview with author, New York, N.Y., 15 April 1993; and Elizabeth Fink, interview with author, Brooklyn, N.Y., 20 March and 17 April 1993). The second prisoners' rights movement began to emerge during the first half of the 1980s and formulated a "clearly defined ideological base" by the beginning of the 1990s. Unlike the first movement, it finds itself in a societal context in which there is little basis of community support for prisoners' rights issues (Elliott, interview with author, 1993).


23. These social movements included the Black civil rights, the welfare rights, the women's rights, the anti-war, and the lesbian and gay rights movements. The definition of "protest movement" used here is that outlined by Frances Fox Piven and Richard A. Cloward who argue that, "The emergence of a protest movement entails a transformation of both consciousness and of behavior. The change in consciousness has at least three distinct aspects. First, 'the system'—or those aspects of the system that people experience and perceive—loses legitimacy . . . Second, people who are ordinarily fatalistic . . . begin to assert 'rights' that imply demands for change. Third, there is a sense of efficacy; people who ordinarily consider themselves helpless come to believe that they have some capacity to alter their lot . . ." This change in behavior according to Piven and Cloward, has two components, "First, masses of people become defiant; they violate the traditions and laws to which they ordinarily acquiesce, and they flout the authorities to whom they ordinarily defer. And, second, their defiance is acted out collectively, as
members of a group, and not as isolated individuals." (Frances Fox Piven and Richard A. Cloward, *Poor People's Movements: Why They Succeed and How They Fail* [New York: Pantheon Books 1977], 3–4).

24. White supremacist groups (e.g., the Ku Klux Klan and the Minutemen) had already been publicly exercising their constitutional right to bear arms (NYSSCA, *Attica*, 115).

25. This "forced immigration" was the result of a combination of economic factors and public policies pursued by the United States and Puerto Rican governments. These policies were designed to reduce social discontent and public support for the growing independence movement on the island. This would be accomplished by reducing the island's population by encouraging both the mass sterilization of Puerto Rican women and the immigration of massive numbers of Puerto Ricans to the United States. These policies were complemented by the repression of pro-independence sectors and the transformation of Puerto Rico from an agrarian to an industrial economy. See Manuel Maldonado Denis, *Puerto Rico: Mito y Realidad* (Barcelona: Ediciones Peninsula M.R., 1989); Peta Murray Henderson, *Population Control, Social Structure and the Health System in Puerto Rico: The Case of Female Sterilization* (Ph.D. diss., University of Connecticut, 1976); Adalberto López, *The Puerto Rican Movement: Their History, Culture and Society* (Cambridge: Schenkman Books, Inc., 1980); Annette B. Ramírez de Arellano, *Colonialism, Catholicism, and Contraception: A History of Birth Control in Puerto Rico* (University of North Carolina Press, 1983); and Emilio Pantorno-Garcia, *Development Strategies as Ideology: Puerto Rico's Export-led Industrialization Experience* (Rio Piedras, P.R.: Editorial de la Universidad de Puerto Rico, 1990).


31. In 1983, there were 18,961 prisoners in DOCS facilities. Of these, 44.4 percent (8,610) were classified as Black, 43.5 percent (8,643) as white, 11.5 percent (2,278) Hispanic, 0.4 percent (25) as "other," and the remaining 0.2 percent (45) as "not stated." (New York State Department of Correctional Services [henceforth cited as NYSDOCS], "Ethnic Distribution of Inmate Population on December 31: 1980–1988," May 4, 1989).


34. Ibid.


38. According to James B. Fox 1961 and 1978, there were sixty-six reported federal court decisions dealing with prisoners affiliated with the Nation of Islam (Jacobs, *New Perspectives on Prisons and Imprisonment*, 36). The support of prisoners for the Nation of Islam began to dwindle as a result of conflicts between members who favored political activism (e.g., Malcolm X) and those who favored involvement in purely religious activities (e.g., Elijah Muhammad).
39. At Attica, followers of the Nation of Islam were "blacklisted" as early as 1967 (NYSSCA, Attica, 122–123).
40. Ibid., 121–123.
41. By the mid-1960s, traditional leaders within the Nation of Islam had decreased their support for African-American Muslim prisoner litigation efforts. In addition, the Nation of Islam lost followers because Allah failed to come to deliver them from the white oppressor. See Eldridge Cleaver, Soul on Ice (New York: McGraw-Hill, 1968); and Berkman, Opening the Gates, 1979.
42. Sostre, interview with author, 1983.
43. For a similar description of the experience of Chicana(o) community activists with the criminal justice system see: Davis et al., If They Come in the Morning, 1971; and Paz, "Police Abuse and Political Spying," 1980.
45. During the rebellion, Sostre had allowed community members to use his store to cover themselves from the tear gas and firing of police officers. See Angela Y. Davis, Ruchell Magee, the Soledad Brothers, and Other Political Prisoners (Lagos, Nigeria: Third Press Publishers, [originally 1971], 2nd Printing, 1992), 83–84.
46. Sostre, interview with author, 1983. Sostre had been convicted by an all-white jury in the spring of 1968 and sentenced to thirty years in prison. Prior to his trial, Sostre spent eight months in jail due to the excessively high bail set for him. Arto Williams first informed state authorities in 1971 that he had framed Sostre in 1968 to get himself released from jail. At the time, the courts refused to grant Sostre a mistrial. In a hearing held on May 30–31, 1973, in Buffalo's Federal Court, Williams once again recanted his testimony ("Sostre," Midnight Special 3, No. 8 [August 1973]: 21). During the spring of 1975, the Manhattan Second Circuit Court denied Sostre's appeal based on Williams' recantation ("Sostre," Midnight Special 5, No. 3 [May 1975]: 6).
47. Sostre, interview with author, 1993. On January 27, 1975, Sostre was found guilty by an all-white jury of three counts of second degree assault on three prison guards. Once the verdict was announced, twelve members of the Plattsburgh Martin Sostre Defense Committee were arrested on contempt charges for protesting the verdict while in the courtroom. See "Martin Sostre," Midnight Special 5, No. 2 (March 1975): 20; "Martin Sostre," Midnight Special 5, No. 3 (March 1975): 6; and Les 12 de Plattsburgh, "Saludos Revolucionarios," Midnight Special 5, No. 3 (May 1975): 6.
48. Italian radical supporter of Puerto Rican independence.
49. See Davis et al., If They Come in the Morning, 1971.
50. Sostre, interview with author, 1993. On May 14, 1970, Judge Constance Baker Motley awarded Martin Sostre $13,020 in damages. "Judge Motley ruled that Sostre had been kept in solitary confinement for 372 days solely because of his Black Muslim activities. He had been segregated for more than a year because of his attempts to make legal motions for a co-defendant awaiting trial, for refusing to answer questions relating to the initials 'R.N.A.' (Republic of New Africa), for writing a letter to his sister setting forth certain political views, and for other less serious matters" (Herman Badillo and Milton Haynes, A Bill of No Rights: Attica and the American Prison System [New York: Outerbridge and Lazard, Inc., 1972], 168).
51. Sostre, interview with author, 1993. The international mobilization of support on behalf of Sostre as well as his legal victories led to his being granted clemency by Governor Hugh Carey in 1976.
61. The DOCS' directive issued on October 19, 1970, stated that an officer could keeplock a prisoner for only seventy-two hours pending a hearing to be conducted by the Adjustment Committee composed of one civilian and two security personnel. At the hearing, the prisoner was to be asked his/her version of the incident. The accusing officer did not have to appear. On the basis of the officer's written report, the prisoner's version, and his/her past disciplinary record, the Committee made its final decision—dismiss the charge, defer action, loss of privileges, change of programs or facilities in the institution, keeplock, segregation or recommend a Superintendent's Hearing. At the Superintendent's Hearing, prisoners were allowed to be represented by an officer and written charges were given to him/her. The final disposition could result in dismissal of the charge, segregation or the loss of "good time." The decision could be reviewed by the Commissioner of Corrections.

62. Russell G. Oswald had been chairman of the New York State Parole Board during the previous twelve years. A former social worker, known for his support of rehabilitation programs, he was seen by custody-oriented sectors as being pro-prisoner.

63. On January 1, 1971, the Department of Correction and the Division of Parole merged under the new Department of Correctional Services (DOCS). This centralized "in one agency the custody of convicted felons from the time they entered prison until they were released from all state supervision, including parole" (NYSSCA, Attica, 19).

64. During the month of August 1970, male prisoners at "The Tombs" (the Men's House of Detention in Manhattan) rebelled on three separate occasions, taking guards hostage in each instance. On August 8, prisoners rebelled demanding the return of an African-American prisoner removed from their floor for hitting a guard (Badillo and Haynes, A Bill of No Rights, 13). On August 10, rebel prisoners demanded that their list of grievances be publicized over television. Grievances centered around "denial of preliminary hearings, excessive bail, delays of a year or more before trial, the suggestion given defendants by Legal Aid lawyers to plead guilty to lesser charges" even before these lawyers had asked whether they were guilty of the offenses charged. Inmates further complained of "unnecessary brutality . . . directed against the black and Puerto Rican inmate population," of insults and inept proposals made by prison officers to women visitors, and of food "not fit for human consumption" (Ibid., 14). See also Young Lords Party, "Tumbes las Tumbas," Palante 2, No. 10 (28 August 1970): 6. The third August revolt centered around lack of medication, overcrowding, unhealthy food, and living conditions (Badillo and Haynes, A Bill of No Rights, 14–15). In October, rebellions erupted in all of the city's detention facilities (e.g., the Long Island and Kew Garden branches of the Queens House of Detention, the Brooklyn House of Detention, and The Tombs). The major aims of the rebels were to gain the attention of the mass media, to publicize their demands, and to mobilize the African-American and Puerto Rican communities on their behalf. Two of the main grievances were high bail and the lengthy time prisoners were held in detention while awaiting court appearances.

65. The Attica strike was to protest low wages in the printshop. The Napanoch strike was in response to the death of a prisoner who was left unattended while suffering a heart attack (Badillo and Haynes, A Bill of No Rights, 25).

66. The November 4, 1970 rebellion was touched off by the demand for the right to a day's vacation on Black Solidarity Day. Thirty-five guards were held hostage by four hundred prisoners. DOCS' response was to keeplock 1,600 men and give them two meals a day for three months (NYSSCA, Attica, 129–130). Other prisoners were held in segregation for indeterminate periods of time and several of those identified as leaders were transferred to segregation in Attica.

67. Francis A. J. Ianni, Black Mafia: Ethnic Succession in Organized Crime (New York: Simon and Schuster, 1974), 190–191. The strikes, which took place in 1960, 1962, 1963, and 1965, demanded that a specified amount of time be taken off a prisoner's sentence for good behavior. These actions, among others, led to the passage of a "good time" bill in 1967. The nation's first wave of prison riots/rebellions occurred during the 1929–1930 period. The main grievances voiced by the prisoners were overcrowding, bad food, protests over the deaths of prisoners caused by the negligence of prison authorities, and brutal discipline. The response of prison officials in New York State to the demands of prisoners at Clinton and Auburn that year was "to build the 'ultimate prison,' escape-proof and riot proof" (Bert Useem and Peter Kimball, States of Siege: U.S. Prison Riots, 1971–1986 [New York and Oxford: Oxford University Press, 1989], 19). That prison was Attica. During the 1960s and 1940s prisoner grievances included unfair parole procedures and poor living conditions. Some riots, it was argued, were precipitated by racial mixing in federal institutions (Garson, "The Disruption of Prison Administration," 539). Between April 1962 and October 1963 there were forty prisoner riots/rebellions across the country. They demonstrated the increased ability of prisoners to plan and carry out collective actions and conduct negotiations (Ibid., 544). The prison rebellions of the 1956–1967 period included the demand for the establishment of inmate councils and involved primarily grievances concerning poor food, mail censorship, recreation policy, discipline, and medical care. According to Garson, almost 20 percent of these rebellions were related to African-Americans (Ibid., 545). Between 1968 and April 1971, on the eve of the Attica Rebellion, there were at least thirty-seven prison rebellions nationwide.

69. An example of a prisoner who was identified by DOCS as being a prisoner leader in both the November 1970 Auburn Rebellion and the September 1971 Attica Rebellion was Richard L. Clark (Oswalt, Attica, 21).

70. Gilbert Jiménez, “We Must Fight—to Be Free!,” Palante 2, No. 4 (October 30, 1970): 15. The five main objectives of the Inmates Liberation Front were: 1) To assure that no person be detained in jail because he or she is unable to make bail. 2) To investigate and act on the brutal, unjust, and inhumane treatment being executed on the inmates. 3) To assure that an inmate’s committee be set up in the concentration camps, and that they be permitted to communicate with the outside world. 4) To insure that inmates are given speedy trials, and have access to counsel of his or her choice, and that none of the people’s constitutional rights and basic human rights be violated. 5) To insist [sic] and provide the inmates, upon release, with jobs, education, housing and readjustment to the community” (Young Lords Party, “Frente de Liberación De Los Presos,” Palante 2, No. 4 (October 30, 1970): 14).

71. Eslí Ramón González, “Relata la Sucedida, Abusos y Discrimen en Cárceles de Queena,” El Diario-La Prensa (hereafter cited as El Diario), 4 octubre 1970, 4. Author’s translation: “Yesterday, the men here in this prison acted like real men and brothers, and for the first time we have united our forces to bring out into the public light the horrible condition of injustices, discrimination, abuses, filth, and mistreatment to which we are subjected by the pigs” (Ibid.). Prisoners’ willingness to engage in coalition building efforts was also demonstrated by the fact that they tried to get the city to support their attempts to create the equivalent of a citywide Prisoners’ Congress (Ibid., “200 Heridos Motines Cárceles,” El Diario, 5 octubre 1970, 1, 3, 33).

72. The need for Spanish-speaking interpreters was highlighted when the Federal Court of Appeals ruled that a new trial had to be held for a Latino agricultural worker who had been convicted of murder although he did not understand English, had not been provided with an interpreter during the trial, could not communicate with his English-speaking attorney for much of the trial, and twelve of the fourteen witnesses against him testified in Spanish. A new trial was ordered with a translator provided for the defendant (“Por No Entender Inglés Hanan Otro Juicio Acusado,” El Diario, 10 noviembre 1970, 2).

73. Eslí Ramón González, “Relata la Sucedida, Abusos y Discrimen en Cárceles de Queena,” El Diario, 4 octubre 1970, 4. Author’s translation: “a) that there be more interpreters in courts and prisons; b) more Puerto Rican attorneys; c) allow communication in Spanish with family members; d) an end to the injustices committed by the ‘establishment’ against Puerto Ricans; and, e) that reading material in Spanish, particularly the newspaper El Diario, be provided totally free” (Ibid.). Other grievances included excessive high bills, long waiting periods before seeing a judge, and mistreatment.

74. Ibid.

75. Badillo and Haynes, A Bill of No Rights, 14. See also N.Y. Times, 11 August 1970. Eslí Ramón González, “Fustigan a Lindsay Por No Acceder a Petición Presos,” El Diario, 27 septiembre 1970, 2. Other demands included: continuous distribution of sanitary articles (e.g., soap, toothpaste, toothbrushes); a social worker on each floor to act as liaison between prisoners and family members; a phone on each floor to keep prisoners in communication with family members; the availability of spiritual leaders for all religious denominations; access to law books; dentists and doctors always available; change of diet to include more fruits; adequate clothing and shoe allowances; an hour of recreation; new tables and chairs in the mess hall; allow visits by children accompanied by adults; and more justice and equality for all (Ibid.).


77. Badillo also acted as a translator for several of the prisoners whose cases were heard by judges during the emergency bail hearings held in the jail’s yard (Badillo and Haynes, A Bill of No Rights, 19–20). Other Latinos present at the site of Long Island rebellion were state senator Robert Garcia and Manuel Casiano of the New York office of the Commonwealth of Puerto Rico.


82. Ibid.


84. Domingo Roche Jr., “Se Queján de Que No Les Permite Visitar a Familiares Presos en N.Y.,” El Diario, 7 octubre 1970, 2. One and one-half years later, Latino prisoners at the Brooklyn House of Detention continued to complain about: the lack of reading material in Spanish; lost correspondence; the monopolization of televisions by African-Americans; ill treatment of visitors; lack of bilingual programs; and the shortage of bilingual personnel. The latter made it virtually impossible for Latinos to communicate with staff members and to participate in the few available programs (Gil de Lamadrid, “Denuncian Tortura Sicológica Contra Presos Boricuas,” El Diario, 1 May 1972, 2).

86. "Trasladan a 435 Presos," El Diario, 13 octubre 1970, 4; "Young Lords Piden a Las Boricuas N.Y. Que se Armen," El Diario, 20 octubre 1970, 10; Eslí Ramón González, "Preocupan Familiares de Presos su Localización en las Cárcel," El Diario, 8 octubre 1970, 6, 33; and "Hallasen Otro Preso Ahorcado en Celda," El Diario, 8 noviembre 1970, 3, 46. The inquiries of Latinas/os outside the walls were frequently addressed by Agener Castro, director of public relations for the New York City Department of Correction. Castro, himself a Latino, was responsible for acting as an intermediary between the penal establishment and the Latina/o community. It was Castro who appealed in Spanish to Latino prisoners at the Long Island Branch of the Queens House of Correction to surrender to prison authorities (Badillo and Haynes, A Bill of No Rights, 23).


91. Mecca, "Free Our Sisters," Palante 2, No. 17 (December 1970): 19. The aims of the demonstration were to: 1) celebrate the 10th anniversary of the NLF (National Liberation Front of the People of South Vietnam) 2) to announce the beginning of a bail fund for the sisters inside the prison. 3) to demonstrate against the conditions in the prison" (ibid.)

92. Angela Davis was held at the Women's House of Detention from October to December 1970 when she was extradited to California. See Davis et al., If They Come in the Morning, 1971.

93. "On April 21, 1969, 21 members of the New York Chapter of the Black Panther Party were accused in a 30 count indictment of conspiracy to bomb several public places (ibid., 70). One of the defendants, Joan Bird, was beaten and tortured by police at the time of her arrest (ibid., 70-71). Although the Panther 21 were eventually acquitted by a jury after only a two and a half hour deliberation, some of the defendants spent up to two years in prison while awaiting trial. Defendants were held at various New York City jails, including the Women's House of Detention.

94. Speakers at the demonstration included representatives from the YLP, the Women's Bail Fund, the Puerto Rican Student Union, and the Black Panther Party.

95. According to Angela Davis, "I have never encountered such an overwhelming warm and cordial welcome. Obviously the reason why prison authorities isolated me was the enthusiastic welcome I received. Each time I go from one area of the jail to another, the sisters hold up their clenched fists and convey expressions of solidarity. While I was in solitary confinement, the sisters on the floor conducted demonstrations in my behalf. When I embarked on a hunger strike, many of them joined" (Davis et al., If They Come in the Morning, 188). The support for Davis continued despite the fact that penal authorities sought to hinder it. "After I was transferred into population, some of the sisters on my corridor with whom I had spent a great deal of time, were helping me answer letters from the outside. They were all immediately transferred to another floor but we still find ways to communicate with one another" (Ibid.).


97. It was the second time the YLP had taken over the church. On December 28, 1969, the YLP, then called the Young Lords Organization, had taken over the church and set up a children's meal program, a liberation school, and free medical care (Palante [Chicago], Vol. 1, No. 5, [January 1970]: 20).


99. William J. Vanden Heuvel, "Tragedia en Las Tumbas: Muchos de los Suicidios en Cárcel de N.Y. Han Sido Puertorriqueños; Destrucción," El Diario, 14 marzo 1972, Suplementario. Other community members, such as El Club de Mujeres de Todas las Naciones joined Agenor Castro in forming, albeit for a short period of time, El Comité de Ayuda a los Presos. The committee's purpose was to cooperate with Friendly Visitors, Inc., in the sending of clothes, toiletries, and Spanish literature to Latina/o prisoners. Women prisoners were also sent cloth to make their own clothes (Luisa A. Quinero, Marginalia," El Diario, 16 diciembre 1970, 24).


101. "Piden que Aclare la Muerte de Roldán," El Diario, 23 octubre 1970, 4. Author's translation: "In these moments in which the emotional climate of our nation and of the neighboring countries are permeated with violence and fear, we feel extremely alarmed by the recent dangerous expressions of the growing militancy in the Puerto Rican community. This is the result of the frustrations caused by the feeling of impotence this community is suffering."

103. Ibid.


105. William J. Vanden Heuvel, "Tragedia en Las Tumbas: Muchos de los Suicidios en Cárcel de N.Y. Han Sido Puertorriqueños; Destrucción," El Diario, 14 marzo 1972, Suplementario. Author's translation: "I do not know of any program within the detention centers of the Department of Prisons of the City of New York, besides those begun and operated by the prisoners themselves, where adults who speak or read little or no English are taught language or literacy. The few programs in Spanish for prisoners that exist or have existed, are generally of a religious nature, conducted by volunteer ministers, such as Bible classes in Spanish. In The Tombs, according to the wardens, there are eight or nine Spanish-speaking officials of 240."

106. Ibid.

107. In one of the few articles in El Diario that discussed a visit by members of the Latino(a) community to the Rikers Island women's section, the only grievances mentioned were poor food and clothing and the lack of radio and television programs in Spanish. The tour of the facility, headed by Aggnor Castro, was taken by Latinos representing the: Proyecto Puertorriqueño de Desarrollo de la Comunidad, Organizaciones Unidos del Bronx, Corporación Comunal de la Vida del Bronx, and the Departamento de Higiene Mental del Centro de Servicios Múltiples del Bronx (César A. Martín, "Dicen a Visitantes de Rikers that Crowth is Long-term Buildings, El Diario, 22 marzo 1972, 2).


109. Alfredo Izquierro-Horta, "Tenemos Hambre," Gritan Presos Cárcel Brooklyn, El Diario, 8 octubre 1970. 4. Author's translation: "In Sections A-B-C and D in the fourth floor, prisoners have been punished without pity with nightsticks, iron, and pieces of wood. All because they are protesting the small amount of food—two slices of bread in the morning, two at noon, and two at night—that they are being given, and because it has been more than 3 days since they have been given water to drink. Another inhuman thing they have done is that they have taken away the blankets and, above all, that they do not want to take them to the doctor without their having signed a paper saying that they received those 'injuries' as a result of an accident."

110. "Tomas," Midnight Special 2, No. 6 (August 1972): 6. In The Tombs Rebellion, the state picked 7 out of 100 prisoners for prosecution. At least one of them, Ricardo de León, was Latino (Ibid.). He was subsequently acquitted of all charges.

111. "McGrath Ve Plan de Radiación en Motín Prisoneros," El Diario, 12 octubre 1970, 4. The argument that "militants" were behind rebellions in the city's jails was reiterated by Benjamin J. Malcolm after the February 1972 rebellions at the Rikers Island Adolescent Remand Shelter for which 15 prisoners, among them 6 Latinos, were indicted ("Rikers Remand Rebellion," Midnight Special 2, No. 2 [April 1972]: 1, 4; and "Seis de Suso en Acusados por Disturbios Rikers Island," El Diario, 15 marzo 1972, 16). Malcolm had replaced McGrath as New York City's Commissioner of Correction on January 1, 1972. He was the first African-American to occupy that post ("Culpa Militantes de Motín en Rikers [sic] Island," El Diario, 29 febrero 1972, 3).


113. McElaney, Correctional Reform, 85.

114. Ibid., 91–92.

115. Ibid.

116. Oswald, Atica, 11. In 1971, the six maximum security prisons for men were: Great Meadow; Green Haven; Sing Sing; Clinton; Auburn; and Atica (Ibid.). Conditions at Great Meadow and Green Haven were so tense that Oswald was sure these facilities would experience a rebellion before Atica.

The Attica Prison Rebellion and the Latina(o) Community Inside and Outside the Walls

The riot . . . started at about 9:15 . . . By 9:36 the gate was down. By 12 o'clock the riot had turned into a rebellion . . . and there was structure.

—Elizabeth Fink, interview with author (1993)

The entire incident that has erupted here at Attica is a result . . . of the unmitigated oppression wrought by the racist administration . . . of this prison. We are men. We are not beasts, and we do not intend to be beaten or driven as such . . . What has happened here is but the sound before the fury of those who are oppressed. We will not compromise on any terms except those that are agreeable to us.


I vividly recall talking at Attica Prison to a Spanish-speaking prisoner who had been there for five years and did not speak a word of English. In questioning him I found that no attempt had been made during his term to teach him English. I also remember . . . speaking to another prisoner who informed me that when the helicopter first came over the yard and ordered prisoners to lie down (in this way signifying to the state troopers that they had surrendered) some of the non-English speaking prisoners did not understand these orders and were shot as they remained standing.

—Louis Núñez, "Rights of Spanish-speaking Minorities" (1973)

On September 9, 1971, over half of the 2,243 prisoners at Attica Correctional Facility rebelled,\(^2\) taking 39 security and civilian personnel hostage. The rebellion ended on September 13, with 32 prisoners and 11 guards dead and more than 80 wounded. The deaths resulted from the violent assault on the prison by state troopers, National
Guardsmen, and prison guards. Five of the prisoners killed by the state were Latinos, at least four were Puerto Rican. During the aborted negotiations between prisoners, negotiators, and prison administrators, then Commissioner of Corrections Russell G. Oswald had agreed, in principle, to twenty-eight ("The 28 Points") of the thirty-three demands made by prisoners, thus recognizing the overall legitimacy of the grievances. Prisoner demands were basically paraphrased versions of the demands drafted less than a year earlier by California prisoners and known as "The Folsom Prisoners' Manifesto." Together they represented the shared grievances and concerns of prisoners throughout the country.

The Attica demands were broad. They varied from reforms, which could be implemented solely with the authorization of DOCS administrators, to those which required legislative and/or other state intervention. Some of the demands reflected concerns common to all prisoners. Others reflected the interests of a few. Still others, such as demands 17, 18, and 20, reflected specific concerns of Latino and African-American prisoners.

17. Provide adequate medical treatment for every inmate; engage either a Spanish-speaking doctor or interpreters who will accompany Spanish-speaking inmates to medical interviews.
18. Provide a complete Spanish library.
20. Institute a program for the employment of significant numbers of Black and Spanish-speaking officers.

These demands echoed and/or complemented concerns voiced by Latino and African-American prisoners in local and state facilities during the 1970 rebellions. These included access to bilingual rehabilitation programs, the hiring of more bilingual personnel, and access to Latina(o) prisoners by members of the Latina(o) community.

Latino and African-American prisoner discontent was fueled by the racially and ethnically discriminatory practices of the overwhelmingly white custodial and civilian Attica staff. Such practices characterized the treatment received by prisoners of color throughout the state.

Above all, for both inmates and officers, "correction" meant an atmosphere charged with racism. Racism was manifested in job assignments, discipline, self-segregation in the inmate mess halls, and in the daily interaction of inmate and officer and among the inmates themselves. There was no escape within the walls for the growing mistrust between white middle America and the residents of urban ghettos. Indeed, at Attica, racial polarity and mistrust

were magnified by the constant reminder that the keepers were white and the kept were largely black and Spanish-speaking.

Latino prisoner discontent was also fueled by discriminatory treatment to which Latinos were subjected.

En Attica, si descubren a un boricua hablando español, lo castigan. Los tienen forzados a hablar inglés porque los guardias no entienden el español.

La correspondencia es muy mala. Muchas cartas no llegan... Confiscan las cartas que escriben en español, no las mandan.

El pasado noviembre Victor Ortiz sufrió por cinco meses un problema en el pecho. Luego de protestar lo llevaron al hospital de la cárcel y murió de una condición cardíaca. Si le hubiesen dado tratamiento a tiempo, Victor estuviera vivo hoy...

The extent of discontent among Latino and African-American prisoners at Attica was illustrated by the fact that their proportion among the rebels was 10 percent higher than their proportion within the overall prisoner population.

The Attica Rebellion demonstrated, as had the previous rebellions in local and state facilities, that Latinos were willing to form alliances with African-American and white prisoners to demand reforms. Moreover, the active participation of Latinos in the events preceding the Rebellion, in the takeover of the institution, the formulation of demands, the formation of the negotiating committee, and the ensuing negotiations, underscored for penal administrators the extent to which Latino prisoners were willing to go to make their demands known and addressed.

Latino participation in the Rebellion also reflected the new collective posturing toward the outside Latino community that developed among Latino prisoners during the mid-1960s and was evident during the 1970 New York City jail and upstate prison rebellions. There was a clear acknowledgment that Latino prisoners were members of the larger Latina(o) community and that they needed to mobilize support within the community to pressure the predominantly white power structure to make reforms. By demanding the presence of Latino reporters and community members in the Attica negotiations, Latino prisoners once again demonstrated that they recognized the positive role third parties could play on their behalf.
It was the calls for community support by the mostly Puerto Rican Latino prisoner population during the Attica Rebellion, and the state's violent response to it, that led to the mobilization, albeit temporary, of important sectors of the (also overwhelmingly Puerto Rican) Latina(o) community in support of Latino prisoners in various parts of the state. The response of the outside Latina(o) community was also conditioned by existing personal and political rivalries. Such rivalries, to be discussed shortly, were reflected in conflicting opinions about the role played by Latino prisoners and outside Latino negotiators in the events which took place during the revolt.

**Latino Prisoners as Leaders and Mediators**

The Young Lords Party were part of the overall coalition and they were considered comrades. They were part of the struggle. They were brothers.

—Adam Turner, interview with author (1993)

...you did have in Attica a very sophisticated, politically aware group of prisoners and it...was truly a rainbow in that sense. It was white. It was Latino. It was Black. The Native American influence I'm not so sure of from a...prior political activism, but certainly because of the way the state targeted the Native Americans as...a primary focus of prosecution, it certainly politicized the Native American population in the prison and around the prison.

—Daniel Meyers, interview with author (1993)

Until the eve of the Rebellion, Latino prisoner leaders at Attica who were predominantly identified with the Young Lords Party, had been able to make few stable alliances with the overwhelmingly African-American prisoner population. Sectors of the latter were divided primarily into the Black Panther Party, the Nation of Islam, and the Five Percent Nation. Until that time, alliances between Latinos identified with the YLP and prisoners identified with the Black Panther Party had been possible because of the overlapping political ideologies and the organizations' history of mutual support outside the walls. A number of Latino and African-American prisoners formerly affiliated with these organizations had also joined to form the "People's Party." The latter also included a number of progressive whites.

In the weeks preceding the Attica Rebellion, Latino prisoner leaders had joined a small number of their African-American peers in an attempt to mediate between the Nation of Islam and the Black Panther Party. Such mediation helped foster the creation of unity among prisoners. Prisoner organization and unity were feared and opposed by prison officials who did everything in their power to hinder the building of such solidarity. The motivation behind this fear was expressed by former Latino prisoner Gregorio Palma:

They do not like organization in prison because organization is something that can work against them. If men are organized they can stop some of the abuses or they can challenge their power. Of course, this is a positive mode, not a negative mode, but, nonetheless, when men learn to organize they become a threat to the system because they can do constructive things to change their oppression. And I think any oppressor is afraid of organization.

The importance of Latino prisoner leaders' mediation efforts lay not only in the role they played between rival African-American groups, but also between Latino and African-American prisoners. The latter frequently felt that Latinos were more inclined to identify with white prisoners. In the words of former African-American prisoner leader Elmer Daniels:

And in prison I found, having been there so long, that [the] Puerto Rican or Latin was like a pendulum and when the system had a problem, say [with] one pole, Black or white, the pendulum would swing one way or the other depending on what the onus was. So the Puerto Rican was either white or Black given the circumstances... And this was sort of a control mechanism because there was no unity...in that respect, you see? And by and large this existed in almost every prison that I was in... There's a lot of fantastic guys that are exceptions, who knew who they were, but I'm talking about generally.

The ambivalent stance among Latino prisoners towards non-Latino prisoners was viewed as the result of internalized racism and the state's attempts to divide prisoners. According to former African-American prisoner leader Angel Gear:

...that was always a part of, I guess the underlying tensions... in the prisons, because for many years in prison... and I guess also in society at large, the society, you know, tried to separate Latinos... from African-Americans by classifying them as white... So like in prison they would have documents... (that) would have "White" or "White Hispanic"... and then "Black"... So that would cause a sep-