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Introduction

"The punishment of crime is a political act."¹ 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."²

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.³

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.⁴ 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.⁵ 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.⁶ 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,\textsuperscript{19} rebellions,\textsuperscript{20} and litigation.\textsuperscript{21} 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.\textsuperscript{22} 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,\textsuperscript{23} 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."\textsuperscript{24} 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.\textsuperscript{25} 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,\(^{30}\) almost to the complete exclusion of other types of prisoner organization. By focusing on the dynamics of prison families, the studies reinforced \textit{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,\(^{31}\) filed petitions and class action suits,\(^{32}\) wrote for prisoners’ rights newsletters,\(^{33}\) published their autobiographies, physically resisted the attacks by their keepers, and escaped.\(^{34}\)

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).

**Researching 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. 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. Even so, the plight of Latina prisoners continues to be basically ignored.

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 newspapers 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 sources 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 studied 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 chosen 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 penal staff and third parties offered 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 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 Latinos and Latinas 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 1968; 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 peoples of African, Indian and/or Spanish descent, with the Spanish itself being the result of a mixture of white European, Jews, and Arabs. 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 G. Kassebaum, *Women’s Prisons* (London: Weidenfeld and Nicolson, 1965); and Giallombardo, *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.


38. Only a few brief references have been made to the plight of Latina prisoners in New York State. See Sissons, The Hispanic Experience, 1979; NYSDOCS, Division of Hispanic and Cultural Affairs, Hispanic Inmate
39. Investigating 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 authorized by DOCS. Prisoner networks could include penal personnel and/or third parties who supported prisoner goals.