

**JUDICIAL REFORM AND PRISONER
CONTROL: THE IMPACT OF
RUIZ v. ESTELLE ON A
TEXAS PENITENTIARY**

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This article examines the impact of court-ordered structural reforms on a Texas penitentiary. The staff's prisoner control structure is analyzed before, during, and after the reform measures decreed in the complex and sweeping prison reform case *Ruiz v. Estelle* (1980). Participant observation and inmate disciplinary report data are utilized to examine how legal intervention affected the prison community. Results show that after the court order was inaugurated, inmate-inmate and inmate-guard violence escalated to new plateaus. The final section compares several aspects of the old and new prisoner control structures and discusses the implications of court reforms for prisoner control.

In the 1960s, a "due-process revolution" occurred in which the judiciary addressed and attempted to remedy aspects of many of this society's institutional ills. Almost since the start of this revolution jails and prisons have been an important focus of judicial attention. In general, the courts have expanded the constitutional rights of prisoners at the expense of the so-called "hands-off" doctrine (Calhoun, 1977; Jacobs, 1980). That is, the courts have rejected the traditional view that prisoners were socially "dead" and managed at the discretion of the prison staff. Courts for the past fifteen years have responded sympathetically to prisoners' grievances and have issued as well as administered many rulings forcing prison organizations to modify or cease numerous institutional policies and procedures. To illustrate, as of December 1983, 30 state

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prison systems were operating under court order or consent decrees designed to alleviate prison overcrowding (U.S. Department of Justice, 1984). This change in court posture has made possible the fuller integration of the penitentiary within the central institutional and value systems of the society (Shils, 1975: 93; Jacobs, 1977).

Despite the proliferation of "prisoner rights" cases, there exists relatively little empirical research on the impact of judicially mandated reforms on prison structures and operations. The sociology of confinement literature typically describes court-ordered reforms as part of or ancillary to changes wrought by shifts in prison administration (Carroll, 1974; Jacobs, 1977; Colvin, 1982), goals (Carroll, 1974; Stastny and Tyrauner, 1982), or inmate populations (Irwin, 1980; Crouch, 1980). When researchers have directly examined court-ordered reforms (e.g., Kimball and Newman, 1968; *UCLA Law Review*, 1973; Champagne and Haas, 1976; Turner, 1979), their analyses have been narrowly focused and do not assess the long-term effects of intervention on the prison community. Because systematic empirical research is lacking, we have only some general ideas about what happens in prisons when courts intervene and alter an established order. Jacobs (1980) summarizes those general ideas in a recent article and notes that court-ordered reforms often lead to a demoralized staff, a new generation of prison administrators, a bureaucratic prison organization, a redistribution of power within the prison, and a politicized and often factionalized inmate society.

The most general observation made about the consequences of judicial intervention has been that prisons have become increasingly bureaucratized (Jacobs, 1977; Turner, 1979). Authority in prisons is no longer unrestricted but based instead on formal procedures and policies. The days of the autonomous "big house" warden are history. Bureaucratization has also affected prisoner control. The harsh disciplinary measures of the past have been replaced with a legalistic due-process model, similar, in some respects, to hearing procedures in non-prison settings. We do not know, however, how the bureaucratization of prisons and prisoner control that judicial intervention has engendered has affected day-to-day life within the prison community. We need to know what transpires within prisons after court-ordered reforms have been implemented by the administrators. In particular, we need to know more about the consequences of court-ordered reforms for prison control systems and for relationships among the

parties—inmates, guards, and administrators—on whom control ultimately depends.

This paper is a case study and institutional analysis that examines the impact of legal intervention on a Texas penitentiary—the Eastham Unit. This study, unlike many legal impact studies, is not primarily concerned with the “gap” question—whether or not compliance has been achieved. Rather, it analyzes the institutional implications of a judicial remedy that has been implemented in good faith. The case in question is *Ruiz v. Estelle* (1980), a massive class action suit against the Texas Department of Corrections (TDC) in which a federal district judge ordered TDC to make wholesale organizational changes (e.g., in health care, overcrowding, inmate housing). Our focus is on a central feature of *Ruiz* which ordered TDC and Eastham to abandon certain official and unofficial methods of prisoner control. Our objective is to analyze the prisoner control structure at Eastham prior to this case, the specific changes that were ordered, and how these changes affected the prison community. In the last section, we contrast several organizational elements of the old order with the emerging bureaucratic-legal order and discuss the implications of this shift in structure and philosophy for daily control. In effect, this analysis examines a penitentiary before, during, and after the implementation of a legal reform.

I. SETTING AND METHOD OF STUDY

The research site was the Eastham Unit of the Texas penal system. Eastham is a large maximum security institution located on 14,000 acres of farmland, which housed, in 1981, nearly 3,000 inmates (47 percent black, 36 percent white, 17 percent Hispanic). Inmates assigned to this prison were classified by the Texas Department of Corrections as recidivists over the age of 25, all of whom had been in prison (excluding juvenile institutions) three or more times. Eastham has a reputation for tight disciplinary control, and so receives a large number of inmate troublemakers from other TDC prisons. Structurally, the prison has 18 inside cell blocks (or tanks) and 12 dormitories which branch out from a single central hall—a telephone pole design. The Hall is the main thoroughfare of the prison and is almost one-quarter of a mile long, measuring 16 feet wide by 12 feet high.

The data for this paper were collected in two phases through participant observation, interviews with guards and inmates, searching documents and inmate records, and informal

conversations resulting from the participant observation. In phase one, the first author entered the penitentiary as a guard and collected dissertation data on social control and order for 19 months (June 1981 through January 1983). He worked throughout the institution (e.g., cell blocks, shops, dormitories) and observed firsthand how the guards cultivated “rats” and meted out official and unofficial punishments. In addition, he cultivated 20 key informants among the guards and inmate elites, with whom he discussed control and order as a daily phenomenon. The first author’s close relationship with these informants and their “expert” knowledge about prison life and prisoner control were essential to the research (see Jacobs, 1974b; Marquart, 1984). Most importantly, his presence allowed observation and documentation of the control structure before, during, and for a short period after the reform measures were implemented.

In the second phase of research, the authors returned to Eastham and collected data from late September 1984 until January 3, 1985. Data collection procedures involved intensive observation and open-ended structured interviews (tape-recorded) with a cross-section of 30 officers and 60 inmates. The inmate interviews addressed such issues as race relations, gang behavior, violence, relations with guards, and prison rackets. The officer interviews focused on such topics as morale, violence, gang behavior, unionism, and relations with inmates. While formal and taped interviews were conducted, the researchers also obtained valuable insights from daily observations of and informal conversations with guards on and off duty throughout the prison as well as from inmates at work, recreation, meals, and in their cells. Furthermore, we closely interacted with 17 key informants—10 inmates and 7 officers—who provided a constant source of support and information. Available official documents (e.g., memos, inmate records, solitary confinement log books) were used to substantiate and corroborate the interview and observational data.

II. THE CHANGE AGENT: *RUIZ v. ESTELLE*

In December 1980 Judge William W. Justice (Eastern District of Texas) delivered a sweeping decree against the Texas Department of Corrections in *Ruiz v. Estelle*. That decree, a year in the writing following a trial of many months, was the culmination of a suit originally filed with the court in 1972. The order recited numerous constitutional violations, focusing on several issues. First, TDC was deemed

overcrowded. Prison officials were ordered to cease quadruple and triple celling.¹ To deal with the overcrowding problems, TDC erected tents, expanded furloughs, and in May 1982 even ceased accepting new prisoners for approximately ten days. Moreover, a "safety valve" population control plan passed by the legislature in 1983 and a liberalized "good time" policy have been used to expand parole releases. Nevertheless, overcrowding continues. A second issue was TDC's security practices. The judge ordered the prison administrators to sharply reduce and restrict the use of force by prison personnel. He also demanded the removal and reassignment of special inmates known as "building tenders" since the evidence clearly indicated that these inmates were controlling other inmates. To further increase security, the decree called for TDC to hire more guards and to develop a much more extensive inmate classification plan. Thirdly, the judge found health care practices, procedures, and personnel in need of drastic upgrading. A fourth shortcoming involved inmate disciplinary practices. Problems included vague rules (e.g., "agitation," "laziness"), the arbitrary use of administrative segregation, and a failure to maintain proper disciplinary hearing records. Fifth, the court found many problems with fire and safety standards in TDC. Finally, TDC was found to have unconstitutionally denied inmates access to courts, counsel, and public officials.

To implement this sweeping decree, Judge Justice appointed Vincent Nathan to serve as special master. Because TDC encompassed 23 units in 1981 (it now has 27), a group of monitors was hired to visit the prisons regularly and gauge compliance. The nature and extent of noncompliance with each aspect of the decree are contained in a series of lengthy monitors' reports and have served as the basis for ongoing negotiation and policy changes by the prison system.

Since our concern in this paper is with the official and unofficial means of prisoner control that were ruled unconstitutional by the court, we limit our analysis to those parts of the court order (e.g., removal of building tenders and changes in security practices and personnel) relevant to that concern. To appreciate the effects of the order, we must first understand how Eastham was organized and how it operated prior to the court's intervention.

¹ The order also called for an end to double celling, but this element was later vacated by the Fifth Circuit Court of Appeals.

III. PRISONER CONTROL UNDER THE OLD ORDER

The control of older, hard-core criminals presents special problems in any prison. At Eastham, the staff maintained tight discipline and control through a complex system of official rewards and punishments administered by an elite group of prison officers. Basically, this control system rewarded those inmates who had good prison records with such privileges as good time, furloughs, dormitory living instead of a cell, and jobs other than field work. On the other hand, the staff severely punished those inmates who challenged the staff's definition of the situation. The most unusual and important element in controlling the prisoners in the old order centered on the staff's open and formal reliance upon a select group of elite inmates to extend their authority and maintain discipline. It was this latter system of prisoner control, called the "building tender (BT) system,"² that the court ordered TDC to abolish.

The Building Tender/Turnkey System

The staff employed a strategy of coopting the dominant or elite inmates with special privileges (e.g., separate bathing and recreational periods, better laundered uniforms, open cells, clubs or knives, "friends" for cell partners, craft cards) in return for aid in controlling the ordinary inmates in the living areas, especially the cell blocks. The use of select inmates to control other inmates is ubiquitous and has been documented in such various prison settings as the Soviet Union (Solzhenitsyn, 1974; 1975), India (Adam, n.d.), Australia (Shaw, 1966), and French Guiana (Charriere, 1970), as well as in Nazi concentration camps (Bettleheim, 1943; Kogon, 1958) and the management of slaves (Blassingame, 1972). The most notable as well as notorious use of pro-staff-oriented inmates (convict guards) has occurred in the Mississippi, Arkansas, and Louisiana prison systems (see McWhorter, 1981; Murton and Hyams, 1969; Mouledous, 1962). In these prisons, selected inmates were issued pistols and carbines to guard the other inmates. However, these elite inmates, unlike the inmate agents at Eastham, were housed in separate living quarters.

Structure and work role. The BT system at Eastham involved three levels of inmates. At the top of the hierarchy were the "head" building tenders. In 1981, each of the 18 blocks had one

² For a more detailed analysis of the BT system, see Marquart and Crouch (1984).

building tender who was assigned by the staff as the "head" BT and was responsible for all inmate behavior in "his" particular block. Indeed, "ownership" of a block by a head BT was well recognized: inmates and officers alike referred informally but meaningfully to, for example, "Jackson's tank" or "Brown's tank." Essentially, the head BT was the block's representative to the ranking officers. For example, if a knife or any other form of contraband was detected in "his" living area, it was the head BT's official job to inform the staff of the weapon's whereabouts and who had made it, as well as to tell the staff about the knife-maker's character. In addition, these BTs would help the staff search the suspected inmate's cell to ferret out the weapon. Because of their position, prestige, and role, head BTs were the most powerful inmates in the prisoner society. They acted as overseers and frequently mediated and settled disputes and altercations among the ordinary inmates. This role frequently called for the threat of or use of force. They stood outside ordinary prisoner interaction but by virtue of their position and presence kept all other inmates under constant surveillance.

At the second level of the system were the rank-and-file building tenders. In every cell block or dormitory, there were generally between three and five inmates assigned as building tenders, for a total of nearly 150 BTs within the institution. These inmates "worked the tank," and their official role was to maintain control in the living areas by tabulating the daily counts, delivering messages to other inmates for the staff, getting the other inmates up for work, cleaning, and reporting any serious misbehavior by inmates to the head BT who, in turn, told the staff. Another important duty of the BTs was the socialization of new inmates into the system. When new inmates arrived at a living area, BTs informed them of the "rules," which meant "keep the noise down, go to work when you are supposed to, mind your own business, and tell us [the BTs] when you have a problem." In addition to these tasks, the BTs broke up fights, gave orders to other inmates, and protected the officers in charge of the cell blocks from attacks by the inmates.

The BTs also unofficially meted out discipline to erring inmates. For example, if an inmate had to be told several times to be quiet in the dayroom (the living area's TV and recreation room), stole another inmate's property, or threatened another inmate, he was apt to receive some form of physical punishment. If this initial encounter did not correct the

problem, the BTs, with tacit staff approval, would severely beat the inmate (sometimes with homemade clubs) and have him moved to another cell block. This process, called "whipping him off the tank" or "counseling," was not uncommon, and some inmates were moved frequently throughout the prison. Although the BTs were "on call" 24 hours a day, the head BT assigned the other BTs to shifts (morning, evening, and night) to provide the manpower needed to manage the block. The living areas were their turf, and the staff basically left the management of these areas in their hands.

The third level of the building tender system consisted of inmates referred to as runners, strikers, or hitmen. Runners were not assigned to work in the blocks by the staff; rather, these inmates were selected by the BTs for their loyalty and willingness to act as informants. They also worked at regular jobs throughout the prison. Runners performed the janitorial work of the block, sweeping and dispensing supplies to the cells. They also served as conduits of information for the BTs since they had more contact with the ordinary inmates than BTs and picked up important information. More importantly, runners served as the physical back-ups for the BTs. If a fight or brawl broke out, the runners assisted the BTs in quelling the disturbance. As a reward for their services, runners enjoyed more mobility and privileges within the block than the other inmates (but less than the BTs). The BT crew in each tank recruited their runners, and selection was based primarily on the inmate's ability to work and willingness to inform. Moreover, many runners were friends of or known by the BTs in the free world; some runners were also the homosexual partners of their BT bosses. Some tanks had three or four runners, while others had seven, eight, or even nine. The number of runners totaled somewhere in the vicinity of 175 to 200 inmates.

The final aspect of the building tender system consisted of inmates referred to as turnkeys, who numbered 17 in 1981. As mentioned earlier, the prison contained a large corridor known as the Hall. Within the Hall were seven large metal barred doors, or riot barricades. Turnkeys worked in six-hour shifts, carrying on long leather straps the keys that locked and unlocked the barricades. They shut and locked these doors during fights or disturbances to prevent them from escalating or moving throughout the Hall. In addition to operating the barricades, turnkeys routinely broke up fights, assisted the BTs, and protected the prison guards from the ordinary inmates.

These doorkeepers also passed along information to the BTs about anything they heard while "working a gate." More importantly, turnkeys assisted the cell block guards by locking and unlocking the cell block doors, relaying messages, counting, and keeping the Hall free of inmate traffic. In fact, the block guards and turnkeys worked elbow to elbow and assisted one another so much that only their respective uniforms separated them. When off duty, the turnkeys, who lived in the blocks, assisted the BTs in the everyday management of the block. In terms of power and privileges, turnkeys were on the same level as the regular BTs.

The building tender system functioned officially as an information network. Structurally, the staff was at the perimeter of the inmate society, but the building tender system helped the staff penetrate, divide, and control the ordinary inmates. BTs and turnkeys in turn had snitches working for them not only in the living areas but throughout the entire institution. Thus, the staff secured information that enabled them to exert enormous power over the inmates' daily activities. As mentioned earlier, the BTs and turnkeys were handsomely rewarded for their behavior and enjoyed power and status far exceeding that of ordinary inmates and lower ranking guards. Unofficially, these inmates maintained order in the blocks through fear, and they physically punished inmates who broke the rules.

Selection of BTs and turnkeys. These inmate "managers" of the living areas performed a dangerous job for the staff. Vastly outnumbered, BTs and turnkeys ruled with little opposition from the ordinary inmates. In reality, most of the ordinary inmates justifiably feared their "overseers" because of their status and physical prowess. The BTs and turnkeys were selected through an official appointment procedure to perform a "formal" job within the living areas. The selection procedure began with the staff at Eastham (and the other TDC prisons), who recommended certain inmates as BTs/turnkeys to the Classification Committee (a panel of four TDC officials, all with prison security backgrounds). This committee then reviewed each inmate's record and made the final selections. Recommendations to the Classification Committee from the staff were not always honored, and fewer than half of those recommended were selected for BT/turnkey jobs. One supervisor who was an active participant in the recruitment

process at Eastham expressed his preference, which was typical:

I've got a personal bias. I happen to like murderers and armed robbers. They have a great deal of esteem in the inmate social system, so it's not likely that they'll have as much problem as some other inmate because of their esteem, and they tend to be a more aggressive and a more dynamic kind of individual. A lot of inmates steer clear of them and avoid problems just because of the reputation they have and their aggressiveness. They tend to be aggressive, you know, not passive.

The majority of the individuals selected for BT and turnkey positions were the physically and mentally superior inmates who appeared to be natural leaders. Generally, BTs and turnkeys were more violent and criminally sophisticated than the regular inmates. For example, of the 18 head BTs at Eastham, eight were in prison for armed robbery, five for murder (one was an enforcer and contract-style killer), one for attempted murder, one for rape, one for drug trafficking, and two for burglary. Their average age was 39 and their average prison sentence 32 years. Of the 17 turnkeys, there were three murderers, three armed robbers, six burglars, two drug traffickers, one rapist, one car thief, and one person in for aggravated assault. Their average age was 31 and their average sentence 22 years. In contrast, the average TDC inmate in 1981 had a 21-year sentence, with a modal age category between 22 and 27. These data clearly show that the BTs and turnkeys were older than most inmates and more likely to be violent recidivists. This is consistent with the patterns noted by others who have described inmate leaders (e.g., Clemmer, 1940; Schrag, 1954).

Race. Most of the regular BTs/turnkeys came from the black and white inmate populations. Only a handful of Hispanic inmates were ever recruited for these positions. The staff distrusted most Hispanic inmates, perceiving them as dangerous, clannish, and above all "sneaky." Hispanic inmates, primarily for cultural reasons, were tight-lipped and generally avoided any voluntary interaction with the staff or other inmates. They feared being labeled as pro-staff because physical reprisals from other Hispanics for snitching were common inside as well as outside the prison world. Moreover, Hispanic inmates were generally not as imposing physically as inmates of other races.

Although black and white inmates both served as BTs, power was not equally distributed between the races. The predominantly rural, white, ranking guards kept the “real” power in the hands of the white BTs. That is, of the 18 head BTs, there were 14 whites, three blacks, and one Hispanic. The ranking staff members were prejudiced and “trusted” the white BTs more than members of the other two races. In short, with the help of the staff, a “white con” power structure similar to a caste system dominated the inmate society in the same way the “old con” power structure ruled Stateville (Joliet, Illinois) in the 1930s through the 1950s (see Jacobs, 1977).

The Staff and Unofficial Control

The staff at Eastham did not leave control of the prison totally in the hands of their inmate agents. In addition, the guards actively enforced “unofficial” order through intimidation and the routine use of physical force. Rules were quickly and severely enforced, providing inmates with clear-cut information about where they stood, what they could and could not do, and who was boss (cf. McCleery, 1960). The unification or symbiotic relationships of these two groups—that is, guards as inside outsiders and inmate agents as elite outside insiders—precluded revolt at practically every level.

Intimidation. Inmates who challenged a guard’s authority (e.g., by insubordination, cursing at him, or “giving him a hard time”) were yelled at by guards or supervisors (sergeants, lieutenants, and captains). Racial epithets, name calling, derogation, threats of force, and other scare tactics were common. These methods, though physically harmless, ridiculed, frightened, or destroyed the “face” of the offending inmate. The following remarks by one ranking officer are an example. “You stupid nigger, if you ever lie to me or to any other officer about what you’re doing, I’ll knock your teeth in.” On another occasion, a supervisor made this typical threat: “Say big boy, you’re some kind of motherfucker, aren’t you? I oughta just go ahead and whip your ass here and now.”

Verbal remarks such as these were routine. In some cases, inmates were threatened with extreme physical force (e.g., “you’ll leave here [the prison] in an ambulance”) or even death (“nobody cares if a convict dies in here; we’ll beat you to death”). Such threats of physical force were scare tactics meant to deter inmates from future transgressions.

Physical force. Coercive force is an important means of controlling people in any situation or setting. At Eastham, the unofficial use of physical force was a common method of prisoner control. Inmates were roughed up daily as a matter of course. Within a two-month period, the first author *observed* over 30 separate instances of guards using physical force against inmates. Key informants told the researcher that this number of instances was not surprising. Indeed, as Marquart (1985) notes, fighting inmates was an important value in the guard subculture. Guards who demonstrated their willingness to fight inmates who challenged their authority were often rewarded by their supervisors with promotions, improved duty assignments, and prestigious labels such as “having nuts” or being a “good” officer. The willingness to use force was a rite of passage for new officers, and those who failed this test were relegated to unpleasant jobs such as cell block and gun tower duty. Those who refused to fight were rarely promoted, and many of these “deviant” officers eventually quit or transferred to other TDC prisons.

Generally, the physical force employed by ranking officers was of two kinds. First, some inmates received “tune-ups” or “attitude adjustments.” These inmates were usually slapped across the face or head, kicked in the buttocks, or even punched in the stomach. The intent of a “tune-up” was to terrorize the inmate without doing physical damage. More serious, but still a “tune-up,” was the “ass whipping” in which the guards employed their fists, boots, blackjacks, riot batons, or aluminum flashlights. These were meant to hurt the inmate without causing severe physical damage. Like simple “tune-ups,” “ass whippings” were a common and almost daily form of unofficial control. Both were “hidden” in that they were conducted in private settings free from inmate witnesses.

The second form of force was beatings. Beatings occurred infrequently and were reserved for inmates who violated certain “sacred” rules by, for instance, attacking an officer verbally or physically, inflicting physical harm on other inmates, destroying prison property, or attempting to lead work strikes, to escape, or to foment rebellion against the rules or officers. Inmates who broke these rules were defined as “resisting” the system and were severely injured—often suffering concussions, loss of consciousness, cuts, and broken bones. Although beatings were rare, many were conducted in front of other inmates (always in the name of “self-defense”)

and served to make examples of those inmates who dared to break important norms.

The threat and use of force were an everyday reality under the old order, and the guards routinely used force to subdue “unruly” inmates (see *Ninth Monitor’s Report*, 1983). Although rewards and privileges served as important official means of control, the prison order was ultimately maintained through the “unofficial” use of fear and terror. The staff ruled the penitentiary with an iron hand and defined most situations for the inmates. Those inmates who presented a serious challenge (e.g., threatening or attacking officers, fomenting work strikes) to the system were harassed, placed in solitary confinement, and sometimes beaten into submission. To the outsider, it might seem that this control structure would create enormous tension and foster mass revolt, but, as we have seen, the small number of guards did not face the inmates alone. The BTs and turnkeys with whom the guards shared power served as a first line of control and functioned as a buffer group between the staff and ordinary inmates.

This type of prisoner control can be referred to as internal because of the important official role given to insiders. It was proactive in nature since the elite inmates knew when trouble was likely to arise and could move to forestall it. BTs and turnkeys functioned as the communication link between the officials and ordinary inmates. The BTs dealt with most of the inmate problems within the living areas and thereby insulated the staff from the multitude of petty squabbles arising in the course of prison life. Riots and mob action were obviated by this relentless BT surveillance and control. Problem situations were passed upwards to the guards. In this old order, the staff, BTs, and turnkeys maintained an alliance that ensured social order, peace, the status quo, and stability. But the institutional arrangement that made for such a “well-working” prison fostered an atomistic inmate community fraught with fear and paranoia.

IV. EASTHAM IN TRANSITION

Although there were some efforts to ease overcrowding and to reform prison operations such as medical services, the dominant posture of TDC in 1981 and most of 1982, at all levels, was to resist the court order both through legal action and by noncompliance. Prison officials rejected the intrusion of the court as a matter of principle and particularly feared the consequences of relinquishing such traditional control measures

as the BT system. Initially, TDC fought the BT issue. However, additional court hearings in February 1982 made public numerous examples of BT/turnkey perversion and brutality.³ In late May 1982, attorneys for the state signed a consent decree agreeing to dismantle the decades-old inmate-guard system by January 1, 1983.

Compliance

To comply with the decree, the staff in September 1982 reassigned the majority of the BTs to ordinary jobs (e.g., laundry, gym, showers) and stripped them of all their former power, status, and duties. Even BTs reassigned as orderlies or janitors in the living areas were not permitted to perform any of their old BT duties. Court-appointed investigators, called monitors, oversaw the selection of orderlies and kept close tabs on their behavior. These outside agents periodically visited Eastham and asked their own inmate informants to make written statements about any orderly misbehavior. Consequently, several inmate orderlies lost their jobs for fighting with and giving orders to the ordinary inmates; they were replaced by less quarrelsome ordinary inmates.

To reduce the chances of violence against the former BTs, the staff moved many of them into several blocks and dormitories for mutual protection. While some former BTs were indeed fearful, most did not fear retaliation. As one former BT stated:

Man, I've been doing this [prison] for a long time and I know how to survive. I know how to do it. I'm not going to stab nobody, I'm going to cut his fucking head off. I'm doing 70 years and it doesn't make a bit of difference and I'm not going to put up with any of that shit.

These inmates all spoke of their willingness to use force, even deadly force, in the event of attacks from the ordinary inmates. The ordinary inmates were well aware of the BTs' reputations and propensity for violence. They did not seek revenge. In short, the ordinary inmates were glad to be "free" from the BT system and stayed away from the BTs, whom they still feared. As a general rule, when an inmate exemplifies his courage and willingness to fight and stand up for his rights under adverse conditions, he is left alone. Turnkeys were formally removed

³ The news media extensively covered these hearings, and press releases provided grisly examples of BT/turnkey brutality and perversions (see the numerous *Houston Post* and *Houston Chronicle* articles between February 16, 1982, and July 1, 1982).

from their jobs and reassigned elsewhere during the last week of December 1982. These inmates were moved in with their BT counterparts and did not experience any retaliation from the ordinary inmates.

In addition to removing the BTs and turnkeys, TDC was ordered to hire more officers to replace the former inmate guards. Eastham received 141 new recruits during November and December 1982. The guard force was almost doubled. Guards were assigned to the barricades and had to learn from the former turnkeys how to operate them (e.g., how to lock and unlock the doors, what to do when fights broke out). More importantly, a guard was assigned to every block and dormitory. For the first time in Eastham's history (since 1917), guards had assignments within the living areas. Also for the first time, the guards maintained the security counts.⁴

Compliance with the court order also required the TDC to quit using physical force as an unofficial means of punishment and social control. At Eastham, in early 1983, ranking guards were instructed to "keep their hands in their pockets" and refrain from "tuning up" inmates. In fact, guards were told that anyone using unnecessary force—more force than was needed to subdue an unruly inmate—would be fired. The staff at first believed this rule would be "overlooked" and that the TDC administration would continue to support a guard's use of force against an inmate. But in this they were disappointed. In March 1983, a ranking guard was fired and two others were placed on six months' probation for beating up an inmate. Another incident in April 1983 led to the demotions and transfers of three other ranking guards. These incidents were investigated by TDC's Internal Affairs, which was organized in November 1982 to investigate and monitor all inmate complaints about guards' use of force. The termination and demotions had their intended effect, for they spelled the end of the guards' unofficial use of force (see *Houston Chronicle*, January 28, 1984). This series of events sent a message to the guards and inmates at Eastham (as well as throughout the TDC) that noncompliance with the court order would be dealt with harshly.

In sum, within six months the staff (aided by the BTs) changed the prisoner control system by abolishing the decades-old building tender/turnkey system without incident. Although

⁴ The former BTs had to show the guards how to keep the living area counts. Thus, the staff adopted a system of counting that the BTs had developed.

the guards initially attempted to resist complying with the decree's restrictions on the use of force, a firing and several demotions broke their will to resist. These changes in response to the reform effort were substantial, and they set in motion a series of further changes that fundamentally altered the guard and inmate societies.

V. THE NEW ORDER

Once the BTs/turnkeys were removed from their jobs and the guards finally quit using unofficial force, the highly ordered prison social structure began to show signs of strain. The balance of power and hierarchical structure within the prisoner society were leveled, and the traditional rules governing inmate behavior, especially in the living areas, were discarded. That is, the ordinary inmates no longer had to act according to the BTs' rules or fear physical reprisals from BTs. The guards' use of physical force as a means of punishment was abolished, and a new system of prisoner discipline/control was established that emphasized due process, fairness, and prisoners' rights. The implementation of these reforms resulted in three major changes within the prison community.

Changes in Interpersonal Relations between the Guards and Inmates

The initial and most obvious impact of the *Ruiz* ruling has been on the relations between the keepers and the kept. Formerly, inmates were controlled through relentless surveillance and by a totalitarian system that created a docile and passive ordinary inmate population. In all interactions and encounters, the guards and their agents defined the situation for the ordinary inmates. The penitentiary's social structure was in effect a caste system, whereby those in the lowest stratum (the ordinary inmates) were dictated to, exploited, and kept in submission.

Now, however, with the abolition of the BT/turnkey system and the disappearance of "tune-ups" and "beatings," a new relationship between keepers and kept has emerged. It is characterized by ambiguity, belligerence, confrontation, enmity, and the prisoners' overt resentment of the staff's authority (see, e.g., Carroll, 1974). Inmates today no longer accept "things as they are." They argue with the guards and constantly challenge their authority. Moreover, the guards now find themselves in the position of having to explain and justify the

rules to the inmates. The guards no longer totally define situations for the inmates.

Disciplinary reports show the contrast between the new (1983 and 1984) and old (1981 and 1982) orders.⁵ We see from Table 1 that reported inmate threats towards and attacks on the guards increased by 500 percent and more over two years. The data do not precisely mirror behavior since some challenges to authority that would have been dealt with by unofficial coercion under the old order had to be reported or ignored under the new one. Nevertheless, it is clear from these

Table 1. Selected Disciplinary Cases Resulting in Solitary Confinement: Direct Challenges to Authority from 1981 to 1984*

	1981	1982	1983	1984
1. Striking an Officer	4 (1.3)	21 (6.5)	38 (12.0)	129 (49.4)
2. Attempting to Strike an Officer	7 (2.3)	9 (2.7)	18 (5.7)	21 (8.0)
3. Threatening an Officer	4 (1.3)	5 (1.5)	38 (12.0)	109 (41.8)
4. Refusing or Failing to Obey an Order	90 (30.6)	65 (20.1)	72 (22.8)	213 (81.7)
5. Use of Indecent/Vulgar Language (Cursing an Officer)	11 (3.7)	14 (4.3)	89 (28.2)	94 (36.0)
TOTAL	116	114	225	566
Population Levels	2938	3224	3150	2607

*Numbers in parentheses indicate the rate per 1000 inmates. The population figures are based on the average monthly population at Eastham.

data, as well as from interviews and observations, that the behavior of inmates towards the staff became increasingly hostile and confrontational. Simple orders to inmates (e.g., “tuck your shirt in,” “get a haircut,” “turn your radio down”) were often followed by protracted arguments, noncompliance, and such blistering verbal attacks from inmates as “fuck all you whores, you can’t tell me what to do anymore,” “get a haircut yourself, bitch,” “quit harassing me, you old country punk,” or “get your bitchy ass out of my face, this is my radio not yours.” Not surprisingly, the number of cases for using indecent and

⁵ The data presented in the three tables reflect only disciplinary infractions resulting in solitary confinement. We recognize the limitations here and know our data are quite conservative. The TDC’s recordkeeping on all disciplinary cases (minor and major) was nonsystematic, and we had to rely on Eastham’s disciplinary log books. However, our interviews and observations are consistent with the rise in violent and other behavior reflected in the tables.

vulgar language also steadily rose from 1981 to 1984. Indeed, the experience of verbal abuse became so commonplace that many officers overlooked this rule violation. On one occasion, for example, one author observed an officer ask an inmate why he was leaving his living area. The inmate walked past the officer and gruffly responded, "I'm going to work, so what the hell are you fucking with me for? If you got any other questions, call the kitchen." The officer turned around and walked away.

There are several reasons for this drastic change in interpersonal relations between guards and prisoners. First, there are simply more guards, which translates into more targets for assaults, verbal abuse, and disciplinary reports. Second, the guards are restricted from physically punishing "agitators," so fear of immediate physical reprisals by the guards has been eliminated. Third, the guards no longer have their inmate-agents to protect them from physical and verbal abuse or challenges to their authority by the ordinary inmates. By and large, the inmates feared the BTs more than the security staff. Purging the BT system eliminated this buffer group between the guards and ordinary inmates. Today the guards are "alone" in dealing with the prisoners, and the inmates no longer fear physical retaliation from the officials.

In addition to, and perhaps as important as, these changes in the control structure, the social distance between the guards and prisoners has diminished. The "inmates-as-nonpersons" who once inhabited our prisons have become citizens with civil rights (see Jacobs, 1980). In the past, inmates at Eastham, subjected to derogation and physical force and ignored by extra-mural society, saw little to gain from challenging the system. Recent court reforms, however, have introduced the rule of law into the disciplinary process. Inmates now have many due-process privileges. They can present documentary evidence, call witnesses, secure representation or counsel, and even cross-examine the reporting guard. They are in an adversarial position *vis à vis* their guards, which at least in some procedural senses entails a kind of equality. Moreover, the inmates' moral status has been improved because the guards can no longer flagrantly abuse them without fear of retaliation—verbal, physical, and/or legal. Although the guards ultimately control the prison, they must now negotiate, compromise, or overlook many difficulties with inmates within the everyday control system (see, e.g., Sykes, 1958; Thomas, 1984).

Reorganization within the Inmate Society

The second major change concerns a restructuring of the inmate social system. The purging of the BT/turnkey system and the elimination of the old caste system created a power vacuum. The demise of the old informal or unofficial rules, controls, and status differentials led to uncertainty and ambiguity. In such situations, as Jacobs (1977) and Irwin (1980) suggest, realignments of power in prison often mean the heightened possibility of violence.

The rise of inmate-inmate violence. Prior to *Ruiz* and the compliance that followed, inmate-inmate violence at Eastham was relatively low considering the types of inmates incarcerated there and the average daily inmate population. Table 2 illustrates the trends in inmate-inmate violence at Eastham. The data in this table clearly document a rise in serious violence between inmates. The most remarkable point

Table 2. Selected Inmate-Inmate Offenses Resulting in Solitary Confinement: Weapons Offenses 1981-1984

	1981	1982	1983	1984
1. Fighting with a Weapon	25 (8.5)	31 (9.6)	46 (14.6)	31 (11.8)
2. Striking an Inmate with a Weapon	21 (7.1)	25 (7.7)	40 (12.6)	57 (21.8)
3. Possession of a Weapon	40 (13.6)	25 (7.7)	59 (18.7)	134 (51.4)
4. Homicide	0 (0)	1 (.3)	0 (0)	3 (1.1)
TOTAL	86	82	145	225
Population Levels	2938	3224	3150	2607

here is that the incidence of violence increased while the prison population decreased by over 300 inmates.

Prison overcrowding raises constitutional problems, but it is extremely difficult for a judge to decide when population levels constitute cruel and unusual punishment barred by due process or the Eighth Amendment. To make this decision, judges attempt to link population levels with various major forms of institutional violence (i.e., assaults, homicides, suicides). Cox *et al.* (1984) maintain that high degrees of overcrowding (especially in large institutions) have a variety of negative psychological and physical side effects, including higher death and disciplinary infraction rates. However, Ekland-Olson (1985: 32) tested the overcrowding-tension-

violence model and concluded, among other things, that “There is no supportable evidence that institutional size or spatial density is related to natural death, homicide, suicide or psychiatric commitment rates in prison. . . . There is evidence to support the idea that crowding is not uniformly related to all forms of prison violence.” While the Eastham data do not allow us to choose between these views, they are consistent with Ekland-Olson’s position and suggest that there is no simple relationship between crowding and violence. They also suggest that the social organization of a prison is a more important predictor of violence than crowding *per se*.

When the BTs were in power, one of their unofficial roles was to settle disputes, disagreements, and petty squabbles among the inmates in the living areas. Inmates came to the BTs not only for counsel but to avoid discussing a problem with the guards. The disputes often involved feuding cell partners, love affairs, petty stealing, or unpaid debts. The BTs usually looked into the matter and made a decision, thereby playing an arbitrator role. Sometimes the quarrelers were allowed to “fight it out” under the supervision of the BTs and without the staff’s knowledge. Inmates rarely took these matters into their own hands by attacking another inmate in a living or work area. To do so would invite a serious and usually injurious confrontation with the BTs. Fist fights were the primary means for settling personal disputes or grudges. Weapons were rarely used because the BTs’ information network was so extensive that it was difficult for an inmate to keep a weapon for any length of time. Furthermore, any inmate who attacked another inmate with a weapon was usually severely beaten by the BTs and/or the guard staff. Although the BTs ruled through fear and terror, their presence helped restrain serious violence among the inmates.

To avoid the labels of punk, rat, or being weak, inmates involved in personal disputes shy away from telling guards about their problems. With the BTs gone, this leaves the inmates on their “own” to settle their differences. The inmates’ sense of justice—a revenge and machismo-oriented system with characteristics of blood feuds—is given full sway (see Ekland-Olson, 1985). The system means that inmates are virtually “cornered” and forced to use serious violence as a problem-solving mechanism. Physical threats, sexual come-ons, stealing, and unpaid debts are perceived as similarly disrespectful and as threats to one’s “manhood.” For example, not paying a gambling debt is a form of disrespect, and in a

maximum security prison being “disrespectful” can lead to physical confrontations. Not *collecting* a gambling debt or *submitting* in the face of threats is also seen as weak or unmanly behavior. Inmates who are labeled weak are often preyed upon by inmates anxious to maintain or establish their reputations as “strong.”

Fist fights, the “traditional” dispute-settling mechanism in the old order, are no longer an effective means of settling a problem. One inmate, whose response was typical, described the transition from fist fights to serious violence:

Used to, you could fight on the tank [block] or in the field. You know, they'd [BTs and/or staff] let you settle it right then and there. After a fight, they'd make you shake hands. Yeah, grown men shaking hands after a fight. But it was over, you didn't have to worry about the dude creeping [sneak attack] on you. Now, oh man, there's more knifings and less fist fights. If somebody has trouble, they're gonna try to stick the other guy. Whoever beats the other to the draw wins. See, their attitude has changed. They don't believe in fist fights anymore, it's kidstuff to them. If you got a problem with a dude today, you better stick him. It wasn't like that when I was here in the 60s and 70s.

To the inmates, using a weapon proves more effective because if a “tormentor” is seriously wounded, he will be transferred to another prison hospital and, when recovered, to another Texas prison. Furthermore, an inmate who uses serious violence for self-protection obtains a reputation for being “crazy” or dangerous, which reduces the possibility of other personal disputes.

To many inmates, killing or seriously wounding a tormentor in response to a threat is justifiable behavior. At Eastham, violent self-help has become a social necessity as well as a method of revenge. Rather than lose face in the eyes of one's peers and risk being labeled weak, which is an open invitation to further victimization, many inmates see assaultive behavior as a legitimate way to protect their “manhood” and self-respect. This is a dangerous situation for all and especially for genuinely “weak” inmates who feel trapped and may use extreme violence as a last resort.

The emergence of inmate gangs. As personal violence escalated, inmate gangs developed, partly as a response to the violence but chiefly to fill the void left by the BTs. Prior to 1982, only one inmate gang, the Texas Syndicate, or TS, existed at Eastham. This group, which evolved in California prisons (see

Davidson, 1974), consisted of Hispanic inmates primarily from San Antonio and El Paso. It was estimated to have had about 50 full-fledged members and is reputed to have carried out "hits" or contracts on other prisoners at other TDC prisons.

Since 1983, a number of cliques or gangs have appeared at Eastham. Several white groups (Aryan Brotherhood or AB, Aryan Nations or AN, Texas Mafia or TM) and several black groups (Mandingo Warriors, Interaction Organization, Seeds of Idi Amin) have gained a foothold within the inmate society. All of these groups have a leadership structure and recruitment procedures, such as "kill to get in and die to get out" for the AB. Like the TS, these are system-wide organizations. Top ranking guards at Eastham estimate the number of prisoners who are members at between 8 and 10 percent of the prison population. Of the various groups, the TS and AB are the largest and best organized groups at Eastham.

The presence of the gangs was not really felt or perceived as a security problem until late 1984. Prior to this time, the staff had identified and kept tabs on the gang leaders as well as on recruiting trends. The staff also uncovered several "hits," but violence did not erupt. Then, in November 1984, two ABs stabbed two other ABs; one victim was the AB leader. Early December saw four TS members stab another TS in a cell block. Shortly thereafter, several members of the Texas Mafia murdered another TM in an administrative segregation block, a high security area housing inmates with violent prison records, known gang leaders, and many gang members. In the final incident a TS leader at Eastham murdered a fellow TS member, in the same segregation block as the previous murder, on January 1, 1985. Thus, gang-related violence has emerged at the prison but within the gangs themselves. In short, the gangs are locked in internal power struggles.

The rise of inmate-inmate violence has created a "crisis" in self-protection. Some inmates have sought safety in gangs, as we have seen. The staff is perceived—with justification—as unable to maintain control. Interviews with inmates reveal that gang membership offers identify, a sense of belonging, and a support system for the member. Revenge is also a powerful drawing card (cf. Jacobs, 1974a). Gang members know that if they are threatened, assaulted, or stolen from, they will have assistance in retaliating against the offender. On the other hand, nonmembers who fear for their personal safety feel they must rely on themselves. These inmates have felt it increasingly important to obtain weapons (see Table 2). In

short, violence has almost become an expectation, both as a threat and as a means of survival.

Reactions of the Guards

The reforms have upset the very foundations of the guard subculture and work role. Their work world is no longer smooth, well-ordered, predictable, or rewarding. Loyalty to superiors, especially the warden, the job, and/or organization—once the hallmark of the guard staff at Eastham—is quickly fading. The officers are disgruntled and embittered over the reform measures that have “turned the place over to the convicts.”

Fear of the inmates. Part of the *Ruiz* ruling ordered TDC to hire hundreds of guards to replace the BTs. Eastham received 150 new guards between November 1982 and January 1983. For the first time guards were assigned to work in the living areas. It was hoped this increase in uniformed personnel would increase order and control within the institution. Contrary to expectations, the increase in inexperienced personnel and the closer guard-inmate relationships resulted in more violence and less prisoner control. As indicated earlier, assaults on the staff skyrocketed between 1981 (4) and 1984 (129). Additionally, one officer was taken hostage and three guards were stabbed by inmates at Eastham in 1984.

Fear of the inmates is greatest among the rank-and-file guards, most of whom are assigned to cell block duty and have close contact with the inmates. These personnel bear the brunt of the verbal abuse, assaults, and intimidation that have increased since the new system was implemented. The new guards are hesitant to enforce order, and this is evidenced in the officers' less authoritative posture towards the inmates. One guard put it this way: “Look, these guys [prisoners] are crazy, you know, fools so you gotta back off and let them do their thing now. It's too dangerous around here to enforce all these rules.” Previously, guards were not subjected to verbal abuse, threats, and derogation. Compliance was effected through fear and physical force. Today, the guards cannot physically punish “troublemakers” and must informally bargain with the inmates for control. Many officers have stated that they try to enforce the rules but to no avail, since their supervisors overlook most petty rule violations to avoid

clogging the prison's disciplinary court docket.⁶

The traditional authoritarian guarding style at Eastham has been replaced with a tolerant, permissive, or "let's get along" pattern of interaction. Furthermore, the guards, especially new officers,⁷ fear retaliation from inmates and officials to the point of not enforcing the rules at all. The attitude currently prevailing among the guards is summed up by the following guard's statement: "I don't give a damn about what they do, as long as they leave me alone. I'm here to do my eight hours and collect a pay check, and that's it."

"We've lost control." The rise in inmate-inmate violence, the emergence of violent gangs, the loss of traditional control methods, the combative nature of guard-inmate interactions, the derogation of guards, and the influx of inexperienced guards have contributed to a "crisis in control" for the guards (Alpert *et al.*, 1985). Many of the guards, especially the veterans, perceive the changes wrought in the wake of *Ruiz* as unjustified and undermining their authority. They feel they can no longer maintain control and order within the penitentiary. This is not because they have not tried the new disciplinary system. Indeed, as we see in Table 3, the total number of solitary confinement cases has skyrocketed since 1981.

Table 3. Inmates Sentenced to Solitary Confinement from 1981 to 1984

	1981	1982	1983	1984
All Offenses	487 (165.7)	404 (175.3)	889 (282.2)	1182 (453.)
Population Levels	2938	3224	3150	2607

These data reveal that the rate of serious disciplinary infractions (violence and challenges to guards' authority) rapidly increased after the reforms in 1983 despite a decrease in the inmate population. The rapid increase in rule violations has demoralized the guard staff to the point of frustration and

⁶ This is like the situation in many large cities, where police and prosecutors have relationships of accommodation with minor criminals. Some crimes must be prosecuted, whatever the cost to the system. Other crimes are not worth the trouble, so agents of justice ignore them or find ways to handle them simply.

⁷ Interviews with ranking guards indicated that the rise of inmate-guard and inmate-inmate violence has contributed to the turnover of new guards. Of the 246 guards assigned inside the building, 125, or 51%, have less than one year of experience, and these numbers include ranking guards.

resignation. Interviews with guards and inmates revealed that most inmates are no longer afraid of being “written up,” losing good time, and spending time in solitary confinement.⁸

The traditional means of dealing with “unruly” prisoners have been abolished and replaced with more official, due-process methods. Standards and guidelines for the guards’ use of force have been implemented. Whenever a guard uses force to control an inmate for whatever reason (e.g., breaking up fights, taking an inmate into custody), the officer must submit a written report detailing all phases of the incident. When a use of force involves a scuffle, all parties are brought to the prison’s hospital to photograph any injuries or abrasions. Forced cell moves are also videotaped. Documentation and accountability are musts for the guard force today. Furthermore, whenever physical force is used against inmates, Internal Affairs investigates the incident. Their investigation of a guard taken hostage on October 15, 1984, involved interviews with 38 prison officials and 21 inmates. Twenty-four polygraph tests were also administered (*Houston Chronicle*, February 14, 1984). This investigation revealed that unnecessary force was used to quell the disturbance. Eleven guards and two wardens were reprimanded, and two guards were demoted and transferred to other prisons. Thus, the disciplinary process itself frustrates the line officers—so much so that they often “look the other way” or simply fail to “see” most inmate rule violations. Moreover, the implementation of the new disciplinary process has strained the once cohesive relations between the guards and their superior officers. Not only do the latter sometimes fail to back up the guards’ disciplinary initiatives because of the pressures of crowded dockets, but they may also initiate investigations that result in guards being sanctioned.

VI. SOME CONCLUSIONS ON COURT REFORMS AND PRISONER CONTROL

The *Ruiz* ruling sounded the death knell for the old prison order in Texas. Legal maneuverings and a new prison administration have given increasing substance to the new order that *Ruiz* initiated. Table 4 summarizes the distinctions between the old, or inmate-dependent, order and the new,

⁸ A guard’s threat to seek solitary confinement has also become less intimidating since *Ruiz* because of the due-process protections imposed and limitations on the good time that can be forfeited. Also, the guard who seeks solitary confinement for an inmate knows he is triggering a hearing in which his own actions may be questioned. The increase in solitary confinement cases should be read in light of these disincentives.

bureaucratic-legal order. We have included only those elements of each order that are directly relevant to prisoner control.

Table 4. A Summary Depiction of Eastham before and after *Ruiz*

	Inmate-Dependent Pre- <i>Ruiz</i> Era	Bureaucratic-Legal Order Post- <i>Ruiz</i> Era
1. Decision-making Power	Decentralized—warden establishes many policies and procedures at the prison. Prison administrators enjoy a high degree of autonomy.	Centralized—warden carries out directives established in central TDC office. Less unit flexibility; prison officials allowed little autonomy.
2. Staff/Inmate Relations	Based on paternalism, coercion, dominance, and fear. Majority of the inmates are viewed and treated as nonpersons. Guards define the situation for the inmates.	Based on combative relations wherein guards have less discretion and inmates challenge the staff's authority. Guards fear the inmates.
3. Prisoner Control Apparatus	Internal-proactive control system based on information. Guards penetrate the inmate society through a system of surrogate guards. Organized violence, riots, mob action, and general dissent are obviated. Punishment is swift, severe, certain, and often corporal. Control is an end in itself.	External-reactive control system in which the guard staff operates on the perimeter of the inmate society. Loss of information prevents staff from penetrating inmate society; thus they must contain violence. Punishment is based on hearings and due-process considerations. Control mechanisms are means-oriented.
4. Inmate Society	Fractured and atomistic due to the presence of BTs—official snitches.	Racially oriented with the emergence of violent cliques and gangs.

We do not mean by our headings to suggest that prior to the court ruling Eastham was not bureaucratically organized. Indeed, all of the trappings (e.g., rules, records, accountability) were present. Under the old order, however, those trappings rarely penetrated the daily operations of the prison. Eastham officials enjoyed considerable autonomy from the central prison administration. Guards, particularly those in the mid-ranks, exercised much discretion in their dealings with inmates. The inmate-dependent order openly recognized the importance of informal relations between officers and inmates and the manipulation by staff of a *sub rosa* reward system. The old regime fostered particularistic relations (the “major’s boy,”

BTs, and other institutionalized snitches), which were important to control and kept the inmate community fractured and atomistic. The elite inmates were a reliable source of information about inmate activities that could threaten order. Finally, the control mechanisms consistent with this regime were ends-oriented. That is, order and the dominance of staff over the inmates were maintained by pragmatic means selected over time to achieve these ends. Where force and other sanctions were used by BTs and guards, they were employed immediately following a transgression. This strategy engendered fear among both the offenders and those who observed the punishment.

The transition towards a bureaucratic-legal order at Eastham permits much less autonomy. To increase central office control over TDC's many prisons, the new TDC administration (under Raymond Procunier) established, in 1984, regional directors to supervise more closely the wardens of individual units. As elsewhere, new policies to carry out court-ordered reforms have also reduced the discretion of all unit officials (Glazer, 1978). Written directives regarding disciplinary or supervisory procedures emphasize legal standards more than the traditional, cultural values that once defined prison objectives. The precedence of legal standards is especially evident in the "use of force" policy. Each time some physical means of control is used, a "use of force" report (a series of statements and photographs) must be completed and filed with the central office. Whenever a physical confrontation is anticipated (e.g., forced cell moves), the action is videotaped. The watchword is documentation. The bureaucratic-legal order also discourages informal relations between officers and inmates. Yet fewer staff-inmate links limit organizational intelligence and thus the ability to anticipate trouble. Officers regularly complain that "We don't know what's going on back there [in the tanks]." At the same time, prison relations are universalistic; all inmates are to be treated alike, and unless they are officially found to have violated some prison rule, they are due equal benefits and freedom regardless of demeanor or attitude. Lastly, control mechanisms are more means-oriented. The focus is as much on how the control is effected as it is on whether or to what extent it is effective. The legality of the means appears to many staff members to take precedence over the deterrent effect of the control effort. One consequence of this focus is a disciplinary procedure that effectively distances the punishment from the

offense in both time and place. Thus, the staff's authority rests not on threat of force or other informal means of domination but on explicit rules.

Although court intervention has made Eastham's operations more consistent with constitutional requirements of fairness and due process, the fact remains that life for the inmates and guards at Eastham is far less orderly than it was before. Authority has eroded, and the cell blocks and halls are clearly more dangerous. Our observations and the data presented in Tables 1 through 3 suggest that the push toward the bureaucratic-legal order, at least in the first few years after the decree, lessened control to the point that many are increasingly at risk behind the walls.

The court-prompted reforms have created for prison officials a dilemma analogous to that experienced by police (Skolnick, 1966). Guards, like police, must balance two fundamental values: order and rule by law. Clearly, order can be maintained in a totalitarian, lawless manner. In a democratic society, order must be maintained under rules of law. Having been mandated to maintain control by constitutional means, Eastham prison officials face a problem that pervades our criminal justice system today. Specifically, as Jacobs and Zimmer (1983: 158) note: "[T]he great challenge for corrections is to develop an administrative style that can maintain control in the context of the legal and humane reforms of the last decade."

Officials at Eastham certainly feel this challenge. They feel pressure to comply with the court and the central office directives designed to operationalize that compliance. Yet the unanticipated consequences of today's reforms have jeopardized the staff's ability to maintain and enforce order. While prisoners in many institutions now have enhanced civil rights and are protected by many of the same constitutional safeguards as people in the free society, they live in a lawless society at the mercy of aggressive inmates and cliques. The dilemma apparently facing society and prison administrators revolves around the issues of rights versus control. Should prisons be managed through an authoritarian structure based on strict regimentation, fear, few civil rights, and controlled exploitation, in which inmates and guards are relatively safe? Or should prisons be managed within a bureaucratic-due-process structure espousing fairness, humane treatment, and civil rights, in which inmate and guard safety is problematic—and where uncontrolled exploitation is likely? One would like

to believe that the civil rights, and personal safety goals within prison settings are not incompatible, but we may ultimately have to confront the fact that to some extent they are. At the very least, the experience at Eastham suggests that reforms, especially in maximum security prisons, should be: (1) phased in gradually rather than established by rigid timetables, (2) implemented with a fundamental appreciation of the entire network of relationships and behaviors involved, and (3) undertaken with a healthy sensitivity to the unanticipated negative consequences that have often surrounded attempts to "do good" (Glazer, 1978; Rothman, 1980).

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