

# Writ Writer

Passage Productions and Independent Television Service with Latino Public Broadcasting  
 Susanne Mason, *Producer/Director*  
 Dagoberto Gilb, *Writer*  
 Jesse Borrego, *Narrator*  
 Deborah Eve Lewis, *Cinematographer*  
 Austin, Texas



## COMMITTEE COMMENTARY

The 54-minute documentary film *Writ Writer* tells the little-known but remarkable story of Fred Cruz, a young Latino with an eighth-grade education who, in 1960, is convicted of robbery and begins serving time in the Texas state prison system. Appalled at the often barbaric treatment he and his fellow inmates must endure, he becomes a “writ writer,” a jailhouse lawyer. Filing his own legal challenges, Cruz uses his intellect and belief in the rule of law to help change a smothering penal system in which prisoners are denied basic constitutional rights. He becomes part of the vanguard of the prisoners’ rights movement in Texas in the transformative decade of the 1960s. Featuring marvelous production values, *Writ Writer* makes very effective use of archival footage to convey Fred Cruz’s life and times. Interviewed are former

prison wardens, ex-convicts, and Cruz’s friends, as well as the family of Frances Jalet, the New York lawyer who comes to Texas to assist Cruz and his fellow writ writers. What especially personalizes the story, however, is that Fred Cruz’s own words, drawn from his prison journals, correspondence, and legal documents, are carefully used to form the first-person narration. Watching *Writ Writer*, viewers experience its seamless, methodical, gripping pace, which seems pitch perfect for the story it narrates—of human degradation, cunning and courage, triumph, and personal tragedy. The documentary should engage young people and adults alike. *Writ Writer* shows how one person can use the courage of his humanity and the resources of the law to make a difference.



## INTERVIEW with Susanne Mason

*Documentarian Susanne Mason researched, produced, and directed Writ Writer. She lives in Austin, Texas.*

### Where did the initial idea for *Writ Writer* come from?

In 1991, while working toward my M.F.A. in Film at the University of Texas at Austin, I was given an opportunity to interview a longtime prisoner of the Texas prison system named Benny Clewis. He had served sentences in various penal institutions since his teens in the early 1950s and told a prisoners’ history of the Texas prison system like none I had ever heard. After film school, I worked as an associate producer with a local PBS producer and used my scarce free time researching Texas prison history with the intention, eventually, of producing a documentary. The dramatic transformation of Texas prisons between 1947 and 1981 fascinated me, but was too expansive for a low-budget independent production. When I came to understand the impact that a self-taught prisoner named Fred Cruz had on the history, I decided to tell his story with *Writ Writer*.

### What resources did you need to produce *Writ Writer*? What did it take to get them committed to your project?

*Writ Writer* was a difficult film to produce because it tells the story of two relatively unknown people, both deceased. Also, this was my first feature-length documentary as

producer/director and can be seen as a controversial story about a convicted felon’s fight for prisoners’ rights. Funders may have had legitimate concerns about the project’s feasibility. Many people and funders made the film possible, from the ex-convicts, prisoners, former wardens, and family members of Cruz and Jalet who appear in it, to the funders and crew members who supported and executed the work.

### How do you think *Writ Writer* offers insights or perspectives on legal issues and legal institutions, especially in ways not previously addressed?

Ultimately, *Writ Writer* shows how even the most despised members of our society, criminals with no immediate credibility, have in fact done much to reform the institutions meant to reform them. To learn this particular history, one can comb through the state archives and news morgues, but the official records are often voiceless statements of suits and countersuits, of opinions rendered and fines assessed. They don’t show the pain that is visited on those who dare to challenge the status quo. By adapting the writings and testimony of Fred Cruz and his correspondence with attorney Frances Jalet into a first-person narrative, I was

able to give an immediacy and poignancy to their struggle, to shed light on an institution operating outside the law.

### How does your documentary foster public understanding? What do you see as its public impact?

In this era of mass incarceration, I hope that in the face of such daunting prison populations, racial disparities, and long odds for improvement, that *Writ Writer* might offer some historic context and inspiration for contemporary reform. The social problems that the criminal justice system has not effectively addressed will only be solved through intense engagement by people with the kind of dedication that Cruz and Jalet had.

### What does winning the Silver Gavel Award from the ABA mean to you?

When I undertook this film about a little-known Mexican American prisoner and his underestimated *female* attorney and how their work led to the most comprehensive court-ordered prison reform in U.S. history (*Ruiz v. Estelle*), I faced long odds to complete the film. Funding did not come easily. I had no track record with this kind of film. But I hoped that what I produced might capture the imagination of viewers of all stripes. To receive the Silver Gavel from the ABA is truly the fulfillment of a dream.

## EXCERPT

CARLOS ALVA (EX-CONVICT): Fred felt that injustice was done in his case and that's why he started learning about the law. ... Cause just by talking to other people he could see the injustice that was done to them, but there was nobody to help them. ...

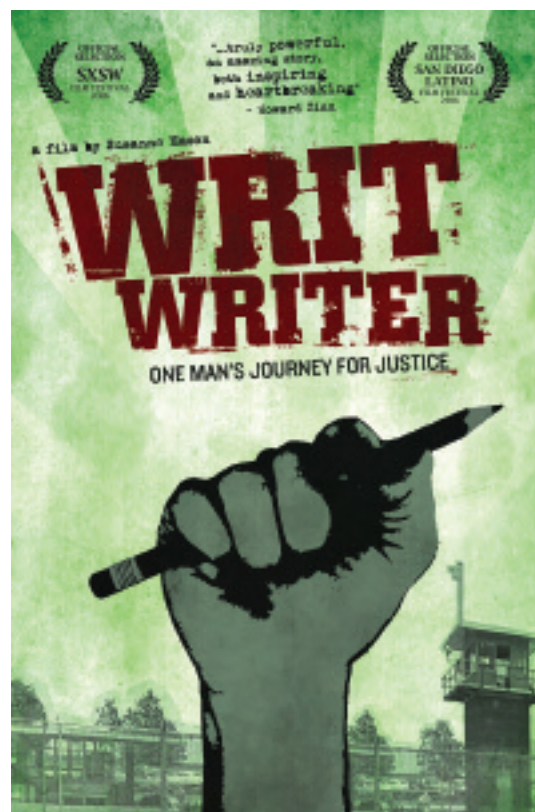
BILLY WAYNE MCCARTER (PRISONER): There were older men back then, they would tell you "the way to get at the system is to learn this law, boy, read this book." Fred got off into all that you know.

ERASMO MERCADO (EX-CONVICT): Fred used to read day and night sometimes, studying the law. ...

NARRATOR AS FRED CRUZ: I read fiction, philosophy, religion, poetry, but I subscribed to law journals and I started helping other prisoners. I wrote a complaint to the FBI on behalf of an inmate who didn't read or write and was in the same segregation unit I was. Since prison regulations do not allow any inmate to assist another in bringing forth grievances, the warden charged me with violating the rules. I told him it was perfectly legal because all men are created equal—that because a man is illiterate doesn't mean he doesn't deserve to be heard in a court of law. The warden said that as long as I'm in the Texas Department of Corrections that I would be governed by its rules and regulations. ... Dr. Beto [Director, Texas Department of Corrections, 1962–1972] told me he was transferring me to the Ellis prison unit for rehabilitative treatment. He wanted to cure me of my writ writing activity. Ellis was the end of the road. It was the highest security unit in Texas and it was reserved for the worst criminals. I was still appealing my case when I got there, and I had a deadline to file my brief, but McAdams, my new warden, had all my legal papers confiscated.

MCCARTER: When you came to this unit, the first thing that happened was they had what they called the Welcoming Committee. It was about six bosses and they'd come out to the back gate and they had pick handles and ax handles, some of 'em had baseball bats. Blam! They started right in beating that ass. Some of 'em would give you a real good whooping too. There wasn't no doubt in your mind what was gonna happen to you if you done wrong.

NARRATOR AS FRED CRUZ: I got caught reading some books written by Supreme Court Justice William O. Douglas. As they searched my cell they also found my copy of the United States Constitution. So I was brought into warden McAdams' office and he and the assistant warden subjected me to a long line of interrogation, which really was "what was I doing with the Constitution in my cell?" I said I was reading it and I didn't think there was anything subversive about that. They told me I wasn't supposed to have it in my cell. I said I didn't think there were rules and regulations that said that the Constitution was contraband. And they told me, "We make the rules." I was sent to solitary as punishment. I went in and out of solitary. I learned that if I relied on myself I wouldn't have to depend on anyone else. If I didn't make it, it wouldn't be because of them.



Go to [www.writwritermovie.com](http://www.writwritermovie.com) to order the DVD (\$29.99 + \$4.99 s/h for home use), view a trailer, learn more about the documentary, and find out about screenings.