

PRISON IS PRISON

A CONVERSATION WITH MICHAEL MORTON

BY PATRICIA CUMMINGS

On Aug. 13, 1986, Christine Morton was bludgeoned to death in her home in Round Rock, in the southern edge of Williamson County. Michael Morton, Christine's husband, immediately became law enforcement's sole suspect in the crime. An arrest and indictment followed, and a Williamson County jury sentenced Morton to life in prison.

During a jury trial in February 1987, a handwritten note to Christine evidenced Michael's "motive" and a medical examiner's opinion on time of death established his "opportunity." The jury, basing their decision on the evidence presented to them, convicted Michael and sentenced him to life in prison.

From August 1986 until October 2011, Michael told anyone who would listen that he was innocent. Recently discovered DNA evidence and offense reports from the original investigation finally proved he was telling the truth: Christine was murdered by an intruder. Although it took almost a quarter of a century, Michael was set free on Oct. 4, 2011. The alleged intruder, Mark Alan Norwood, is currently incarcerated in the Williamson County Jail, charged with Christine's murder. Norwood is also a suspect in a second murder where the victim, Debra Jan Baker, was found bludgeoned to death in her home.¹

After "60 Minutes" aired Michael's story on March 25, 2012,² there was a media frenzy surrounding him. Everyone wanted to know more about the man who spent nearly 25 years in prison for a murder he did not commit. During the interviews, many reporters asked Michael the obvious question: What was prison like for an innocent man? Michael's answer to the question fascinated me: "Prison is prison. Knowing I was innocent added a little bit of emotional baggage. But I was no different than a guy who was completely guilty, because prison is prison. You go through the same stuff, you deal with the same people."³

As a member of Michael's legal team since late 2004, I have had the good fortune to get to know him and form a friendship with him. Over the years, I have spent a great deal of time coming to grips with Michael's tragic, stranger-than-fiction, and ultimately uplifting life story. When the media attention was at its peak, I found myself also wanting to know about Michael's opinions on the Texas prison system and his experiences there. It was about that time that I was asked to interview Michael for the *Texas Bar Journal*.

When I sat down with Michael to conduct the interview, it did not take long for his "zen-like" approach to life to turn the

interview into a conversation. Michael brought a quiet intellect and thoughtfulness to our conversation. Often, his answers surprised me and challenged my opinions of our state's prison system.

In February 1987, Michael entered the Texas prison system not having a clue about what to expect. As a "first timer," just like any other "first timer," Michael was ignorant and scared. When I asked him about his initial impression of prison, I expected him to say it was a violent, racist institution. Michael, however, said that although there were a disproportionate number of African Americans in prison, he did not view the criminal justice system as racist and he didn't see any institutional racism. Instead, what he primarily saw was inefficiency in how the prison system was run. Michael compared the inefficiency of Texas prisons to the old Red Army of the Soviet Union: "They are so inefficient, they ultimately become efficient." I asked him to explain. He said that despite the inefficiency of the day-to-day operations of a huge prison system, the system's only real goal is to keep people inside, and at the end of the day, Texas prisons somehow manage to achieve this goal.

I asked him about the fad of hiring experts to act as prison consultants to prepare clients for prison. Initially, Michael seemed pessimistic about the idea of paying an expert to advise a client about how to prepare for and survive prison. However, after a short period of contemplation, he said that he recognized the value of such experts and reasoned that a prison expert "could take away both the ignorance and fear by informing a client about the reality of prison life."

In regard to the day-to-day life of a Texas inmate, Michael explained that although violence is a reality, it does not predominate. Instead, boredom and monotony do. "Isolation from the opposite sex basically became a thing of the past when female employees were allowed on the cell block in the mid- to late 1980s," he said. When female employees were first allowed in, inmates were originally respectful of them. However, once the extraordinary became ordinary, the respect "went away real fast." Female employees became part of the

boring, monotonous routine. Michael recalled a day when a female guard made a provocative statement when she saw him naked in the communal shower. Rather than being embarrassed or feeling any kind of sexual response, Michael said he “had no feeling whatsoever.”

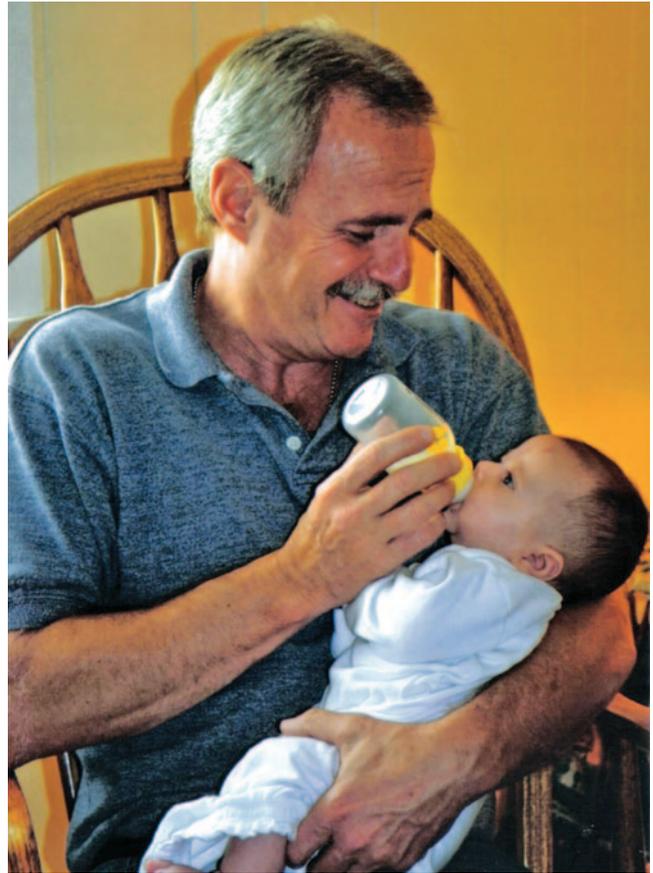
Curious that boredom was more insidious than violence, I asked Michael to tell me which movie best depicted prison life. His choice was the 1972 version of *The Getaway* with Steve McQueen and Ali McGraw. The film tells the story of a recently released ex-con, Doc McCoy, who was granted parole based on a “quid pro quo” with a corrupt sheriff. The film opens with no music. All you hear are the sounds of prison. What you see and feel fits with Michael’s description of the boredom and monotony of prison. For several minutes, all the film depicts is the grinding and clanking of machines, inmates sleeping in bunks, and prisoners working on the farm. But for Michael, those scenes were not why he picked this particular film. “The realistic part of *The Getaway* is the scene where 1) they jump onto a work squad wagon before going to the fields and 2) the brief scene that shows a field boss — atop a horse — as he rides around the working men, barking orders and talking trash.”

We next discussed the old saying, “Prisons are a school of crime.” I asked him if he thought this saying was true. I often represent youthful offenders and find myself arguing that incarceration is not the answer, in part, because prison will teach them to be criminals (or in some cases, teach them to become better criminals).

“Criminals do not learn to become better criminals in prison,” said Michael. “It is far too simplistic to say prison is a school of crime. Prison instead offers ‘character instruction.’ In other words, to survive in prison, inmates are implicitly or explicitly taught that there are certain character traits that will ensure their survival. For example, deprivation of freedom, combined with the dehumanization of inmates, breeds the desire for instant gratification. Instant gratification, in turn, is a building block for selfishness or self-centeredness.”

Texas prisons have also managed to create a classifications system that actually seems to work. When inmates arrive in Huntsville, for example, people who work for classifications determine where to send them, e.g., young inmates are assigned to units with other young inmates. Michael related an experience regarding how important these classifications can become. Several years ago, a hurricane caused an evacuation of inmates from certain units threatened by the storm. Michael recalled an empty bunk in his unit, which was temporarily filled by one of the evacuees. “All of a sudden this guy came along and everyone on the unit knew he did not belong — he did not fit in. I can’t specifically tell you why — we just instinctively knew. When the storm passed and he left, things went back to normal.”

Beyond keeping inmates “inside” and grouping them with other similarly situated inmates, Texas prisons do a miserable job of preparing inmates for re-entry into society. Michael told



Michael Morton enjoying time with his granddaughter, Christine Marie.
CREDIT: COURTESY OF MICHAEL MORTON

me the average inmate has only an eighth-grade education. “When the average inmate is released, he or she does not have a high school education, nor does he or she have any specialized skills or training.” Michael agreed that recidivism could probably be lowered if Texas prisons would do something to prepare inmates for re-entering society. “Although a high school education may sound good, the focus should be on specialized skills and technical training.” He also believes that inmates should be gradually transitioned back into society — something similar to the Maine prison system’s Central Maine Pre-release Center that was established in 1979.

When Michael left prison in the fall of 2011, the warden asked him what he would do to improve the way Texas prisons are run. Michael’s number one suggestion was to stop using group punishment on inmates — “unless of course the warden wanted to facilitate ‘groupthink’ — an ‘us or them’ mentality among the prisoners and against the guards.” Hearing Michael’s parting advice to the warden, I asked him to offer his “Top 5” pieces of advice on how to prepare for and survive prison. Here is what he said:

1. Stand up for yourself (don’t be afraid to fight).
2. Mind your own business (keep your eyes open and your mouth shut).



INCARCERATION, RECIDIVISM, AND REHABILITATION

3. This will end (unless you are serving a life sentence without the possibility of parole).
4. How you deal with this is more important than what's happening to you.
5. Perpetual personal inventory (this experience is what you make of it).

With that advice, our conversation ended.

The next day, Michael sent me the following text: "When we spoke, what happened was not the least bit unusual. When you asked about things I experienced and they did not fit into your worldview, you did not like it. I understand. Even when we are questioning eyewitnesses, we still like to believe what we believe, especially when it forces us to reconstruct how we interpret our environment and the people around us. I don't expect you to upend all of your thought processes, just reevaluate how (and why) you believe what you believe. Is it from personal experience or how things *should* be?"

My friend Michael then said: "Just remember, life is good and this'll work out, one way or the other."

EPILOGUE

Life is indeed good for Michael. Since his release from prison, Michael has embraced life and all that it has to offer. From the complexities of forming new relationships to the simplicity of mowing the lawn, Michael has immersed himself into "living." Anger, resentment, and bitterness seem remarkably absent from Michael's life. In fact, instead of being trapped by his experiences, Michael is perpetually moving forward. He spends much of his time with his family, building himself a home and advocating for criminal justice reform.

Michael has become a father again to his son Eric. In turn, Eric has become a father to Christine Marie — Michael's first grandchild born in January of this year. Michael also spends a lot of time with his parents in East Texas.

As an advocate for criminal justice reform, Michael is exploring the ins and outs of lobbying the Legislature for simple reforms. Criminal discovery and prosecutor accountability are two areas of reform he is considering. Michael continues to speak publicly about his case to lawyers, professors, and students.

At the end of the day, although Michael appreciates the enormity of his story and what can be learned from it, he is also keenly aware of the bliss of everyday life, enjoying performing mundane chores once forgotten, such as taking clothes fresh from the dryer, washing his truck, or running errands around town.

On Aug. 12, Michael celebrated his 58th birthday. It was his first free birthday since the day before his wife was murdered. Happy Birthday, Michael.

NOTES

1. Grissom, Brandi. "Williamson County Grand Jury Indicts Mark Norwood." *The Texas Tribune*, Feb. 1, 2012.
2. Evidence of Innocence: The case of Michael Morton." *CBS News: 60 Minutes*. March 25, 2012. <<http://www.cbsnews.com/video/watch/?id=7403194n>>.
3. Lindell, Chuck. "My Bad Days Are Good." *Austin American-Statesman*, March 29, 2012.

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