

**III Served by Marvin Mutch**  
**End Well Symposium, December 5, 2019**

Start of Transcript

[Applause]

A little more than three years ago, I was sitting in a prison cell serving out the 41st year of a 7-life sentence the result of a conviction suffered in 1975. In my mind, I had long ago reconciled myself with the very real possibility that I may in fact die in chains on my prison floor. I'm the second generation of my family who's been imprisoned, my mother is a Holocaust survivor. In recent years, scientists confirmed what I've already somehow always known. That the effects of trauma are intergenerational. My father a Baptist minister divorced my mother shortly after my sister was born and I was 2 years old. Pursued by the physical and emotional ghosts of her past my mother was often hospitalized and absent and my sister and I were stored in foster care from let's at a time. I became a chronic runaway and she soon became a ward of the court. Over the next five 12 years, my life spiraled out of control and I had found myself at age 19 in a prison cell, where I would stay for the next 41 years.

As soon as I was able, I went to the prison law library. I knew it was the law that put me there and if I could just reverse engineer it, I could somehow get out. Didn't work out that way. My first week in the law stacks, I met Law Clerk who is a member of the prisoner's union he gave me some documentation and I became a member of the prisoner's union. I joined the action arm of the early prison reform movement in 1975. [02:00] For the next 20 years I was involved in litigating everything from food to higher education to community standard health care.

In 2000, an author named Carlton Smith was writing a book called "Hunting Evil," and during the research of that book about a serial killer that was on death row, he discovered the evidence that showed that it was indeed the subject of his book that had committed the crime that I was imprisoned for. This eventually led to the Golden Gate University Innocence Project and ultimately the USC post-conviction justice project taking my case. And for the next 16 years teams of lawyers, clinical law professors and students fought to free me even as the struggle inside prison continued.

The ensuing years held critical gains and staggering losses on both a collective and individual nature. February 17, 2005 started out just like any other day at San Quentin my friend Robert Dubner and I shared a table in the chow hall for breakfast we talked about the politics of the day. And after I meal I left for my council office and Robert went back to the block to wait for the exercise yard to open; pretty much the way we had every day for 17 years. Robert never went to yard that morning because he returned to his cell and took his own life. I was stunned, I could not understand how this person who I loved frankly could have been an hour away from making such a fatal decision and I did not see it. I needed to know what I missed. So, I wrote letters and began to search for somebody to come in and tell us how to spot this thing that I had missed.

[04:00]

After several months I heard from Marcia Blackstock and Diane Banyan from an organization called Bay Wars a crisis intervention and sexual assault and suicide prevention hotlines. They agreed to come to San Quentin and deliver an 18-month curriculum and ultimately these two remarkable women shepherded myself and fourteen of Roberts friends to state certifications in crisis intervention suicide prevention and males sexual assault survivor counseling with our newly acquired certifications we created a group of parent assessors aptly named "Brothers Keepers."

In 2005, San Quentin had a suicide rate six times the national average today it's zero. [Applause].

In 2008, in the course of a long and protracted suit against a guard Union I was attacked by white supremacists and thrown from the third term north block. My injuries were serious I ended up in the California medical facility a prison hospital in Vacaville California. In 2011, midway through my recovery I received words at a close friend of mine Wayne Cobb had been transferred to the prison who wanted to see me when I asked what block he was in I was told he was in hospice. I was confused "Where, I asked, is hospice?" I was given directions and eventually found Wayne and San Quentin's 17-bed hospice deep in the bowels of the prison. He was not in good shape. I was astounded I could hardly believe that there was a place like this inside the walls of California's Department of Corrections. I was startled by the fact that prisoners at least C-17 would not have to die alone on the concrete floor of their cell.

I soon learned that those in hospice were cared for almost entirely by fellow prisoners [06:00] and they were allowed to have their family visit them that bedside and have them there at the end for vigil. If the patient had no family, they were allowed to have their cellmate or friends visit them daily and ultimately sit vigil with them. Wayne's family were all in Battle Creek Michigan, so I visited him often and was there for him as he shed his earthly chains.

Over the next five years thanks to this remarkable program I was privileged to visit and comfort the last days of no less than ten of my close friends. I became a staunch and vocal advocate for the need for hospice beds in every prison in California. In 2016 due wholly to the tireless efforts of Heidi Rummel and the USC post-conviction Justice Project, Susan Rutberg and the Golden Gate University Innocence Project, Michael Stateger of Stateger Short and the law firm of Morrison and Forrester, I was released from prison.

[Applause]

Standing outside the gates I entered through 41 years before, the feeling was familiar. Once again, I felt naked and defenseless without an ability to recognize the world that like me had changed so much. There to meet me was my friend and now wife Deborah, and a videography from KQED. Over the next six months Deborah remained my constant support and introduced me to everything from cell phone to spontaneous adventures [laughter]. Most remarkably I found every new thing validated and provided some reason for all that I'd gone to before. Over my 41 years behind the walls, I came to know that we are at any given time right where we're supposed to be on our path. So, I am constantly looking for science and for my forward journey and invariably I find those science emerge from the darkness that was my past. One such sign for me came on the day of my release February 17th, 2016. [08:00] February 17<sup>th</sup>, the exact day Robert took his life. I stood motionless for a moment outside the prison and wondered at the joining of these two days.

Several months after my release, I received a call from a woman named Sandy Fish she told me that she and her associate, Ladybird Morgan have been trying to get an audience with the warden's office for 10 years in hopes that any hospice could be established to San Quentin. We followed up that conversation with lunch and within weeks, the Humane Prison Hospice project was born. Today, Sandy Fish and Ladybird Morgan along with Susan Barber of Mission hospice and home care and the Shante project go into San Quentin to provide compassionate end-of-life care training to our Brothers Keepers and have graduated four classes of compassionate caregivers at San Quentin.

There is still resistance to a physical hospice at the prison, but men are still dying in their cells and San Quentin's Brothers Keepers are there to shine a light of compassion on their departing brothers.

Nearly 200,000 Americans over 55 are currently in prison and by 2030, the number of elderly prisoners is expected to reach 400,000. Yet in California, there's just 17 beds in a system of 175,000 prisoners. Ending well should not be dependent on living well nor should it be premised on the living of an exemplary life. The fallen and broken men and women in prison are often there because the start of their young lives showed them the worst of humanity. Certainly, at the gates of freedom, we can send them off for the least a glimpse of what's best about humanity, compassion, empathy, love and redemption. Proof that we value dignity of life every life above all else.

I love those drawings by Wendy McNaughton who came to [10:00] Brothers Keepers' graduation with me after I had left San Quentin and they tell a very unique story that needs to be heard outside the walls. Because those walls don't just keep people in, they keep people out.

Thank you for hearing my voice today. [Applause].