

Creating & Excavating Hope on the Inside and Out

By Miriam Gohara
and Richard Morales

Miriam Gohara:

In April 2023, I participated in the American Association of Law Schools' Clinical Teaching Conference in San Francisco. The conference's theme was Mariame Kaba's "Hope as a Discipline." With several colleagues, I presented on a panel called "Excavating Hope." Our topic was how and where we find hope in teaching law students how to advocate for racial and social justice. By the time of the conference, my clinical law students, colleagues in Connecticut, and I had been battling the state's decision the previous summer to exclude anyone serving life without release (LWOR) sentences from consideration for commutation, Connecticut's version of clemency.



Richard Morales, undated



Richard Morales, 2011



Richard Morales, 2016

After a press conference that a small cohort of white survivors of homicide victims organized with a few Republican state legislators, the Democratic governor removed the chair of the Board of Pardons and Paroles. The Board had granted dozens of commutations beginning in 2021, after resuming receipt of applications following a two-year suspension of commutations altogether. Under pressure from the governor, the new board chair immediately suspended commutations again, completely foreclosing access to that form of relief to any Connecticut prisoner. For many people serving LWOR, commutation had been the only form of sentencing reconsideration available by law. For me, my students, and most of all, our clients and their families, the complete shutdown was devastating—particularly so on the heels of our months of fighting state political and justice officials to

reverse the LWOR exclusion. The State of Connecticut had decided that some people are beyond redemption and worth giving up on. In other words, the spring of 2023, turned out to be a crucial time to excavate hope. The Board of Pardons and Paroles promulgated new policies and resumed commutations on August 1, 2023.

As I considered what rays I might offer my fellow law professors and social justice advocates, I found myself thinking again and again about my clients, who for most of my career have been people convicted of taking a life. Most have been sentenced to death or life. The lucky ones have a term of years—decades in prison. Why, when I reflected on hope, did my mind revert to people who have committed the worst possible crime and whose own lives had reached the deadest of ends? Because my clients generate opportunities. They build



Richard Morales, 2008

community. They teach each other how to heal. They mentor. They counsel. They advocate. And they make art. Prisons are awash in grays and beiges: the walls, the floors, the furnishings, the food. In many, the only punctuation of color is the county orange-colored jumpsuits or the occasional mural in the visiting room. Yet, clients with little or no views of the natural outside, create art. I decided to focus my “Excavating Hope” presentation on one client’s self-taught painting and its life-affirming impact.

Mr. Richard Morales was sentenced to life in prison for federal crimes that led to multiple murders. My “Challenging Mass Incarceration” clinic students and I joined Mr. Morales’s lawyers in Connecticut’s Federal Defender Office to petition for a reduction in his sentence under the First Step Act, a 2018 bipartisan law that afforded federal prisoners



Richard Morales, 2012

opportunities to petition for early release. The book of Mr. Morales’s life was back-to-back dark chapters. The narrative of his early-release petition spelled those out. This is the work that makes visible to courts and parole boards, but as importantly to our clients, the violence and poverty that every life-imprisoned person I have ever met survived long before they harmed anyone else. To be sure, they took and destroyed lives. Our investigation of *their* lives provided them with context for a measure of self-compassion. During his thirty-plus years in prison, Mr. Morales had earned the support of several retired Bureau of Prisons employees who had worked with him, attested to his complete rehabilitation (including saving several lives in prison), and who wrote urging the court to release him. Mr. Morales’s art is a lifeline for him. It is how he trains his mind. His art-as-



Richard Morales, undated

healing reminded me of a lecture I attended at which psychiatrist and trauma expert Bessel Van der Kolk pointed to visual and performing arts as disciplines people naturally turn to in order to recover from violence.

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I shared a few slides of Mr. Morales's color-drenched still lifes and abstracts with the AALS conference's audience wondering where we might excavate hope in a world where politics topples second chances. The tableaux are evidence of a person not giving up on himself, rejecting narratives of worthlessness, and persisting in making good.

Richard Morales:

I have always loved art. As a kid, I'd always doodle on my schoolwork or on scrap paper. I loved to watch documentaries on famous artists and paintings, mostly those in the Sistine Chapel. During my time at USP Lewisburg, I'd always visit the Arts & Crafts department (when I wasn't working in UNICOR) and watch in awe as some of the guys painted. My biggest influences were Willie, Leonard (Lenny), and Samuel.

Samuel and the Recreation Specialist would teach classes on how to draw in pastels and Willie and Lenny would always be in their own respective areas working on their oil paintings. I would spend many years and hours just sitting behind them admiring them at work. They would always encourage me to pick up a brush and start painting, something I thought



Richard Morales, 2019

was impossible. One day I got to watch as Willie started to pencil in the preliminary drawing . . . an aha moment as I never witnessed either Willie or Lenny 'start' a painting. I always thought they would pick up a brush and paint away. I always thought that you were either blessed to know how to paint or you weren't.

After learning that they used a sketch as a starting point, it gave me the confidence and courage to give painting a shot. I immediately put in an order for the art supplies and got started. I looked through various magazines and sought out easy projects like flowers and wildlife. Because even if they didn't resemble the reference photo, you would still know what the subject was. :) I was encouraged by Willie, Lenny, and Samuel to reproduce works of artists that I'd like for practice. They told me that eventually, I'd create my own style.

My first favorite artist was Pino, an Italian

artist who passed away about 10 years ago. I loved his subjects but I really loved his color schemes, something I can only describe as "a sea of beautiful grays". Those grays looked like the paint piles on Lenny's palette. When I inquired, he laughed and said that those colors could not be found in a tube. My mom, stepdad Russ, and friends would order me art books and magazines. It was then that I learned the many ins and outs of painting. The story of art changing my life would be incomplete if I didn't mention the people who's counseling and intense therapy helped support my transformation.

I read Richard Schmid's *Alla Prima* and learned so many things about colors, values, blending, but most importantly to always practice drawing and knowing how to interpret the temperatures of color. The temperatures of color were how I learned to emulate the

“beautiful grays” I saw in Pino’s art and on Lenny’s palette. Through Willie, I learned how the lines to the drawing didn’t have to necessarily determine where the paint ended i.e. the looseness of the paint strokes I studied in Pino’s art. They would always encourage me to practice with/from still-life settings. At first, I couldn’t appreciate the art in still life paintings until I learned to paint someone else’s still life.

I learned that I could take flowers someone receives, a vase, a set of dishes, or a family heirloom that means something to someone, or even fruits and vegetables that were grown in someone’s garden, something with a short life span and turn that into a piece of art. Something they can have and share forever. That part of painting, to take something ordinary and be able to turn it into something extraordinary, opened up my passion for painting. I love to paint! It helped me change. I learned to empathize, to see things differently, literally. In *Alla Prima*, Richard Schmidt explains that you can take 2 great artists and they both can paint the same subject, but you’ll still have two distinct styles, even color schemes because we all see things differently, otherwise everyone’s paintings would look the same and art wouldn’t be art.

Another thing I loved about painting in prison was the gifting process. Gifting the painting allowed a little piece of me to leave the depths of this hell, a little piece of me was getting freed. As I got better, the size of my paintings increased. I went from painting 9 x 12 to 24 x 36 inch paintings. I wanted to gift my first large painting to the family of a victim in my case. A painting, because ‘words’ don’t exist for a deep remorse. I was so excited to get it in the mail... When I advised the Recreation Specialist where the painting was going he immediately told me that he could not permit it, and warned me that contacting a victim’s family would violate the Bureau of Prison rules, get me locked up in segregation, and kicked out the program. I was devastated.

Not too long ago I watched a movie titled “Arrival” starring Amy Adams. In the movie, the aliens were attempting to communicate with the humans through what looked like blots of ink, a new language. After having someone look it up online, I learned about the Sapir Whorf hypothesis. In short, it described a theory in which learning a new language would open up the “learners’ mind” to a new and improved way of thinking and seeing things. I agree with that theory, I believe the love of art and learning to paint opened up my mind to seeing and understanding the world differently. It helps me appreciate the beauty the Lord has gifted us with. Everything and everyone is beautiful, if you don’t see it, then we aren’t looking hard enough.

Richard Morales is an artist and volunteer in USP Lewisburg’s suicide prevention program, as well as a father, grandfather, brother, and son.

Miriam Gohara is a Clinical Professor of Law and Director of Jerome N. Frank Legal Services Organization at Yale Law School.



Richard Morales, 2017