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BOOK Two

I :(((need section head)))

Poss
Story

~~Shortly after Gary got out of prison, and was living in Provo, he sent Bessie an eleven pound box of chocolates on Mother's Day. Then, a letter arrived. "I didn't know I could be this happy. I have the most beautiful girl in Utah. Now," he wrote, "I'm making more money than I could take in stealing."~~

~~Bessie wrote back, "This is what I always wanted for you. I'm glad you have this girl. I hope someday to meet your beautiful Nicole."~~

~~Then she didn't hear any more, and called Ida who told her Gary had gotten in a little trouble by going into a store and walking out with a few things. Bessie asked Ida to tell him to call and say sorry. Gary never got in touch then, he was in trouble.~~

Gary's mother

The day ~~she~~ she found out about the murders, she was outside on the porch of her trailer. The phone rang and it was a

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woman's voice. From the tone itself, Bess³ said, "It's you, Brenda, something's happened to Gary." She thought Gary had robbed a bank.

Brenda told her they were holding Gary on Murder One. "I don't believe that, Brenda. Gary wouldn't kill anybody." "Oh, yes," said Brenda, "he killed two people and they shot one of his thumbs off." That was how Bessie got it.

She said, "Well, there has to be a mistake. Gary did not do this. He is not a killer, no matter what else," and she hung up, and the phone rang again, and it was Ida to tell her how the blood kept spurting out of Mr. Bushnell and she and Vern had seen it. Bess felt she would never get over that account. Then Vern got on the phone and said, "They have a death penalty here. They're going to kill Gary." That was all Bess needed. Execution had always been a phobia to her. She couldn't go near the thought. When she was a little girl growing up in Utah, she would hide when she heard they were having an execution.

~~After Vern's message, she kept it to herself for two weeks. She told Frank, Junior, when he came into town, but not Miral, her youngest son. One morning he called, and said, you sound like you've been crying, and Bess said, I have a cold. He said,~~

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~~A few nights later, Gary pulled in with a car, and said he'd like to take her to dinner. She told him she was not dressed and it was pretty late, so he stayed and talked a long time.~~

~~A couple of days later, she noticed the police were sitting outside her trailer, and wouldn't say anything to her. That was when she knew a good deal was wrong.~~

~~One morning, a busybody gave her a buzz and asked, "was that your son they picked up for armed robbery last night?" Bessie replied, "No, but what paper was it in?" The woman told her and Bess said, "I'll look it up." When she found the story, she cried till she was sick. It was two more rivers in the million tears she had cried over Gary.~~

She kept thinking that if she had been able to get to Provo, Gary would never have killed those men. "I'm going to get a car, Mom, and get up to Portland and bring you back," ~~he~~ ^{Gary} had told her when he'd first moved into Vern and ~~on the phone that first night when he came from Ida's~~ house. Bess had laughed. "Oh, Gary," she had said, "By now, I'm such a decrepit piece of work that they play the band when I hobble out to the street." *She had arthritis, she'd also*

~~A few months before, while Gary was still in Marion, she had been sitting one night with her son, Frank Jr., when she started~~

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~~to cough up blood. They came for her in an ambulance and took~~
~~her to surgery where they removed half her stomach. The aspirin~~
~~she had been taking to relieve her arthritis had~~ **removed during**
~~perforated her~~
~~ulcer. "The faster I was fixing one end," she told a friend, "the~~
~~more I was scraping on the other."~~ **SURGERY FOR A**
she never left the
trailer unless it was to walk the few steps over to the trailer
of her landlady to pick up the mail. Still, she and Gary spoke
of how nice it would be to keep house in Provo. That is, they
talked about it until he met Nicole.

sketch
~~It had all been, she decided, part of the pleasures of~~
~~thought and no more. She couldn't even keep this trailer in~~
~~order. It was as old and moldering as herself. If a trailer~~
~~could be sixty three years old, it would be as old as she was~~
~~when Brenda shipped her the cage.~~

Just a week ago she had written a letter to Gary. He must
have gotten it a day or two before those Mormon boys were killed.
She had written about the house on Crystal Spruce Boulevard
that he liked living in when he was nine years old, and kept
saying he wanted to be a priest. She had just found out that they
had torn it down and put up an apartment house. You wouldn't
be able to find it now.

When he was very young, he had had a fear of being beheaded.
He was a daring kid, but he had this fear. There was a bedroom

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in the house on Crystal Spruce Boulevard that he shared with ^{his}
~~oldest brother, Frank Jr.~~ ^{Frank, Junior}, and someone must have put luminous paint on the
wall paper because it would shine out pale green at night. Gary
would always holler, "Mom, I can see that thing again." She
would try to explain that you could only see it in the dark, not
the daytime, but that it was all right. Finally, they had had
to do the walls over. That luminous paint had caused such fear.
"He's been a frightened man," Bessie said to herself, "all his
life."

Yes, Gary was a sad and lonely man, one of the most sad and
one of the most lonely. "Oh, God," thought Bessie, "he was in
prison 'so long, he didn't know how to work for a living or pay a
bill. All the while he should have been learning, he was locked
up."

Done out

~~It was hot in the trailer. Living with such news at the end
of July, she felt she was breathing in a steam bath. One could
sit still in Portland and lose weight. "When it's real hot in my
trailer," she said aloud, "I can lose five pounds an hour." Of
course, she only weighed one hundred and ten. This shouldn't have
been Portland, but Africa, she told the walls. Left alone, Port-
land would overgrow itself and wipe you out. It was strong and
terrible when the heat came like a jungle. "I always know it~~

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Post card

~~was too green when I first came here," she said to the walls.~~

~~There was a suction type feeling inside the trailer. Like if anybody made the wrong move, it would all go. They would all disintegrate.~~

Sketches about the that she found h.m
one day, when Gary was twenty-two, in the year after his

~~father had died in that brief half year of liberty when he was out of Oregon State Correctional Institute but not yet in Oregon State Prison for the twelve and a half years he would yet serve for armed robbery; in that same brief half year when they spent a day listening to Johnny Cash, Bess came back to the house one afternoon, the big house on Oakhill Road with the small circle driveway on the side that Frank had bought when their life was sitting at~~

~~prosperous and settled, and Gary had been in his father's house and looking at his birth certificate, which he had taken from Ardson, and the certificate was~~ ~~his father's name on~~
~~in plain sight as Walt Coffman.~~ Gary was obviously having some

thoughts that Frank Gilmore might not be his father.

BUT WALT COFFMAN WAS JUST ONE OF SEVERAL

~~It was Frank Gilmore who had given Gary that name. He had called names FRANK Gilmore used. And Gary's own name on his birth certificate was Ray Robert Coffman. Ray for Frank's mother and Robert for Frank's son by another marriage. The Coffman was because they were not in Frank Gilmore territory then, but in Walt Coffman land. Crossing certain state lines, Frank would also change his~~

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~~name. Bessie never knew if that was to get rid of an old trail
or pick up a new one.~~

hadn't lived

~~Of course,~~ Bessie ~~didn't live~~ with the name Fay Robert for
long. ~~The baby was born in Texas; McGamey, Texas; and the~~

~~people in the hotel suggested they call him Doyle. She liked~~

~~that name, but she liked Gary better.~~

and She loved Gary Cooper.

had She called the baby Gary from the start. ~~She and Frank had argu-~~

~~ments about it. Gary was a name to remind him of Grady, and Grady~~

~~was a man who had cheated him once.~~

still, looking at the birth certificate,

~~Now she was having a fight with Gary about his name. Except
it wasn't really a fight. They didn't even raise their voices.~~

~~When Gary, however,~~ started to suggest an unpleasant thing or two,
Bessie said, "Don't you dare!"

Gary said, "No wonder the old man never liked me."

Bessie said, "You know better than that."

Gary said, "I'm not even just kidding."

"You," said Bessie, "were in my desk without permission."

Gary said, "I never would have gotten this news with
permission, would I?"

It built. Finally Bessie said, "Don't you ever, ever intimate
that you are illegitimate."

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of the house on Oakhill Road

Step

~~this scene took place in the dining room, and Gary was sitting by the phone in that green leather chair which was part of Bessie's love of expensive things and real leather. He had been sitting right there waiting for her to come in and turn and go up the stairs to change her clothes. He said, "I want to show you something," and handed it to her. There was nobody else in the house when this took place. It was the only time she ever saw Gary look at her angrily, only that one time.~~

~~After they stopped arguing, he said, "You better take this, I don't want to have it lying down here," and she told him, "You can keep it if you want," and Gary said, "No, thank you." She remembered that well. The way he said that.~~

Bessie

~~She~~ did not like to think of how that ridiculous misunderstanding ate at him, nor was it necessary to believe it had anything to do with the armed robbery. ^{he committed a while later.} Gary had been getting in enough trouble for enough years not to blame it on a birth certificate, especially when he knew his father had travelled with a number of names. Still, there ^{was} Gary ^{at the age of 22} with a brand new sentence of fifteen years ^{in Oregon State Prison} ~~at the age of twenty-two and was~~ ^{was} ~~ill enough over it for her gall bladder to go bad and be removed~~ ^{What with complications and convalescence, a few months went by}

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~~Before she even saw Gary at the prison on visiting day. It was the first time she missed seeing him that long a period since he had gone to reform school at fourteen. Now, here he was in the visiting room age twenty-two and without a set of teeth. But for two cysteeth in his lower jaw--he had all the rotten others taken out. No teeth. Just two fangs. "They're working on the plates," he said. "I hope they'll be better than mine used to be."~~

~~She was shock proof by then, and he made nothing of it. On later visits, when he had the teeth, he told her he liked them. "I can pick up an apple and really eat it without getting a tooth ache," he said. His headaches seemed better too.~~

It was only years later that Bessie found out Gary had known about his birth certificate for a year and a half before she found him holding it ~~in her green leather chair.~~ His institutional counselor at Oregon State Correctional ~~where he'd been for an earlier crime, 3~~ ~~was too old for reform school and too young for prison~~ had asked him why his birth record

~~in Texas showed his father's name to be Coffman not Gilmore. Two weeks later, they'd had to give~~ *Two weeks later, they gave him an electroencephalogram for severe headaches. Then* ~~he~~ kept getting write-ups for refusing to work, and he kept getting into fights. He complained to his psychiatrist of strange dreams. He had a hell of a time controlling his temper. He thought people were saying derogatory things behind his back. Then his father died. He was in Isolation at the time and they wouldn't give him a furlough for the funeral.

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All this had happened before the day Gary ~~was in the~~ ^{compacted}
~~Bessie with~~
~~green leather chair and handed~~ his birth certificate ~~over~~
~~to her.~~

"Well," she always said to herself, "I am the daughter of the very first people who settled in Provo. I am the grand-daughter and great-grand-daughter of pioneers on both sides. If they could live through it, I can live through it." She said it to herself again after the phone calls from Brenda and Ida and Vern.

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She could see the old blacksmith shop down by the creek where she grew up. Smell it, too. She could sniff the steam of horses when the manure flew out of them in fear, and catch again the bottom-rind smell that came up from the parings of the horses hooves. That stunk worse than an old man's feet, and the awful reek of charred hooves on the hot horse-shoe followed--she always knew what hell was planning to offer. It was so bad that she almost liked the strong air of red-hot iron when it mixed with the odor of

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of burning coal. That was a very strong odor even if you could hardly smell a thing. She thought it had to be the way a tomb would smell if a strong man was buried in it.

Outside the blacksmith shop, there was grass and some fruit trees, and the fall-into-heaven of a fresh breeze. Of course, there was also the desert, God love it, the desert that had no smell at all but was dry in the nose and left you for dust. In the background were the mountains high as a wall when you stood next to a wall and looked up.

She lived in a big family of seven girls and two sons, ~~that came out of two big families.~~ Her mother was the eldest of thirteen children; her father was the eldest of nine.

545 ~~The mother's family was from Norway, the museum cleaner company, but with no "X" and no "X", and at one time her mother's family owned the role of water, and they would tell him, but her grand-grandfather, Kasper, joined the Mormon church in 1850, and was disowned by his family, came to America without a cent, came to Utah with the Goddard and Hart Company, pushed a hand cart across the plains with all his belongings, an army of Mormons pushing handcarts up the canyons of the Rockies because there was not enough money in the church for prairie wagons, and Brigham Young had told them, come anyway, come with handcarts to the new Zion~~

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~~in the Kingdom of Deseret. hardy, healthy people, Bessie always said, and knew what they were doing.~~

~~Her great grandmother was Mary Ellen Murphy, the only Irish in the Kerby family. The rest was English and one dot of French. She was 98% English and could never understand when it was all done why Gary spent so many months in Utah telling people he was Irish. He was about as Irish as he was Texan considering that he was born in Texas and lived there from week one to week six of his life.~~

Bessie had seventy-eight cousins ^{AN ARMY OF MORMONS.} ~~if you counted the Kerbys and the Browns, the Bakers and the Murphys. They were settled before they were born. They couldn't move. They were the Kings and clods of Power.~~ Everybody was cut out of the same pattern and everybody ran along in the same pattern. Later, she would say to people, "Do you know how we are raised? You can't even believe it. If the head of our church says everyone is to walk on the right hand side of the street, then you would in no way walk over on the left hand side, even if the rain was pouring down on top of you. . . we are almost ridiculous."

She could smile at that childhood which existed no longer, even live in it between the phone calls to remind her of the

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overbearing misery that a son of her flesh had killed the sons of other mothers. That burned in her heart like the pain that flared in the arthritis of her feet. That pain was like a boring conversationalist who never stopped, just found new topics.

She had an early memory of Provo in World War One. She was five years old and there was no telephone, no electricity in the house, and the telegraph was rare, the roads were dirt paved carefully with dust, and newspapers were a week old by the time you read them. The house was two rooms with a lean-to on the back and they used to go over the hill to the spring and carry water back two buckets at a time, in summer on a little wagon, in winter by sleigh. ~~Then~~
~~in November, she remembered, and looked like now, and they~~
~~heard all the whistles blowing in the distance two miles away so~~
~~they rushed out to the ridge of the hill. Her mother must~~
~~have been thinking of her dad's French blood because she~~
~~kept saying in a small dark fussy mood, "Oh, the Germans~~
~~are coming, the Germans are coming," and hearing all those~~
~~terrible whistles and noise, they all saw her dad come up~~
~~on a horse over the hill, and that was how they received the~~
~~news that the war had ended.~~

She thought Bessie was the ugliest name. People named cows and horses Bessie. They even had an old gray horse

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named Bess. ~~Of course, they also had nags named Baldy,~~
~~Ginger, Ted, and Pet.~~ Plus a cow named Bess. She told
everybody to call her Betty, told it to them while picking
potatoes, picking cucumbers, picking bush beans, doing
wash, taking turns pushing the washer handle back and forth.

~~At night around the table, their mother would read to them~~
by the illumination of an oil lamp. "Betty," Bessie would
say when her name was called. She would feel the same way
fifty years later. When she had the name Betty, which was
what Frank always called her, he and she had money. Back
to the name Bessie after he died, she always felt poor as
a church mouse.

One day crossing the creek, they saw a coyote. Her older
sister Mary had long legs and big feet and fell in the creek.
Bessie pulled her out and they made it across and tried to
climb an apple tree but the coyote got caught in a fence,
just as frightened of them as they of him. A porcupine
reared up its needles and looked as angrily as a beehive
getting ready to swarm. She was scared right through to her
liver.

Like the time her brother Mark delivered papers and rode
home on his horse one freezing night, and was so cold he

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hollered for the girls to help him off. The horse slipped on the ice and they had to split Mark's pants, his leg was swollen so big. When the pain got bad, Bessie was sent to the neighbors to borrow aspirin and had to visit three neighbors to find one tablet. Three days later when the swelling didn't go down, they took him to the doctor and the leg was broken. Now her own leg might as well have been splintered and her liver seared right through. She sat in her chair in that super-heated trailer of a day in July in Portland, breathing the heated air, hot as the blacksmith shop, and thought the old smell of a frightened horse was in her heart and throat and the bellows of her lungs forever. Thinking of Ida's voice on the phone, describing the blood she had seen on the face and head of Mr. Bushnell who lay on the motel floor, Bess felt vertigo at the fall through the years and the long night spaces of ~~these years gone since Ida was born with her twin Ida~~

**Bessie had How many 2 brothers and
Ida and Adley**

How many sisters? The twins were ten years younger than Bessie, and Ida became Bessie's favorite. Bootie, she used to call her. Little Bootie, like little boots. Now Ida was married to a man with fists as large as horses hooves, and he had worked all his life on shoes and boots. It tore through Bess like a treachery, for she had always liked Vern, that he had chosen to say to her on the phone, "They're going to kill

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Gary." She tried to think instead of the nice extra room her father built on the house when the twins were born, and the tin tubs on Saturday night when they took a bath.

She was looking for any memory that might now seem agreeable. Indeed, she felt so numb that agreeable thoughts felt like salve on a small wound. So she thought of the dancing teacher who came down from Salt Lake every Friday to teach ballet. In high school gym, Bessie would never play basketball, and wouldn't march, and even had the nerve to sit there and say Grade E for excuse, and spend her time reading stories. Of course, they all talked about her ~~already~~. She was a farm girl who wouldn't work in the sun and wore large sun hats and long gloves to nurture her white skin.

The dancing teacher changed everything. Bessie started getting A+ for Dance, and the teacher moved her up to the front row, said she was a natural-born ballerina. Wish I could have gotten hold of her when she was four, said the teacher.

Bessie also played the violin and the piano and the harmonica. She ~~would listen to the radio and try to sing, but nobody in the family could sing. They all used the same tune for everything. Of course, later, it was worse when~~

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~~Frank and she and the boys would sing. Every Christmas~~
~~he, Frank would get into his little song, "Giddyup,~~
~~Napoleon, it looks like rain." Every Christmas was they~~
~~would suffer through. Gary would say aloud, "It's enough~~
~~to make you give up Christmas." When it came his turn,~~
~~however, Gary had a worse voice. Nothing but grunts and~~
~~gillish soprano. He sounded like a country and western~~
~~singer who had swallowed a brick.~~

~~It came over her that Gary would be singing for the rest~~
~~of his life in jail as he now was sentenced.~~

~~She~~

She was always smart in school and she played in the
 school orchestra and was Queen of the Golden Green Ball at
 the church. ~~She decorated the ward hall in her vest colors~~

~~of gold and green. The next fifteen girls eligible from~~
~~all ten or twelve families in Granview Ward north of Provo,~~
~~south of Orem, and Bessie was chosen Queen for the Halloween~~
~~dance when college students out from Brigham Young came~~
~~in to teach them ballroom dancing.~~

~~Bess never liked the movies. She would walk into a~~
~~theatre with her parents, and the film would flicker over~~

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it became her mountain. Once, when she was a child, she was looking at Y Mountain and her dad came over the hills. Bess said, "Dad, I'm going to claim that mountain for my very own," and he said, "well, honey, you've got just as much right to claim it as anyone else, I guess," and walked off, and she thought, "he gave me his consent, that mountain belongs to me." Sitting in the trailer, she said to the good friend of her memory, "That mountain still belongs to me. To this day, it does."

In her adolescence, when she was happy, she would go up on the hill to look at her mountain, all those years when she was working in the cannery and working in the fields. Later, she would meet a date up the road. Her mother, having lost her hearing would say, "Don't bother to sneak out--I would never hear you." Still, she and her sisters grew up in such a mild-manner way, they never heard a word like lesbian or the term of homosexual. Those were sounds you could use to name creatures far off planets.

Bessie studied dresses in the rotogravure before sewing them up, and went ballroom dancing at the Utahma Dance Hall in Provo where they brought orchestras in. ~~She had a girl~~

~~friend, Ruby Hilda, and Ruby's brother gave them in a Model T.~~

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~~fold. He drove warily. The road had ruts as deep
as the cracks in a rock.~~

Set
~~She had girlfriends whose names by marriage became
Afton Davies Atkins and Eva Daball Brickey. Bess dated
Squeak Davidson from Springville and Lee Virstin who went
to Brigham Young and gave every promise of being the big
boat to catch, but she couldn't stand him. Bess was inter-
ested in whatever else it was.~~

Some
~~Some~~ saw her as restless. ~~She was a law w~~ She
went hitch-hiking with girl friends to Salt Lake City and
beyond. She went hitching, at last, to California. She
would go and she would come back. Her parents would not
ask that much. There were so many girls. You were raised
to know what was right, and then free to do wrong. You were
a Mormon, so you had been taught exactly what was right.
Christ gave you free will to work out your own destiny. Bess
was one Mormon who would do what she wanted to do, and she
left home more and more.

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Those ~~were~~ the years that belonged to her and she would never tell anybody about them ^{→ it} it irked ^{Bessie} that she was the subject of gossip ^{back home} in Grandview, where they would talk of how she came back from long trips with fine dresses and jewelry. It gave her no pleasure that most of those fine dresses had been cut and sewed by Bessie ~~from~~ herself. ^{one year, when} ~~she lived in Salt Lake City,~~ jewelry, it was on the strength of her fine fingers that could carry rings. So she told them.

~~She was in love with a man, and she lived in Salt Lake because~~
~~he lived there, but the love affair was over.~~ She did housework for an old lady who kept a large house, and ^{she} lived in a small hotel room by herself, and didn't date. ~~It was a year when she lived alone and was still too young to suffer from being alone.~~
She rather liked it.

She had a friend named Anita Hiatt who drank too much and lived around, and was living with a man she called Daddy. Daddy sold ads for Utah Magazine for \$100 a page and got 25% commission. Anita was very much in love with him, she said. He had something that got women.

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"Daddy bought me a new typewriter today," Anita told Bessie, and invited her to the room. Bessie didn't drink--"one of those," she would always say--but Anita had a couple of beers while waiting for Daddy. Then ^{Anita} picked up the typewriter, and it slipped, and bounced on the floor, and of course it broke. A brand new typewriter. This happened just as Daddy walked in. He was not tall, but he was burly, and he was not good-looking but he was rugged, and he wore spats. He sure had confidence. While Anita was trying to introduce Bess^{ie} to Daddy whom ^{Anita suddenly} ~~she~~ call^{ing} Frank, he was letting Anita know how upset he was. Poor Anita. It was not her typewriter, Bess^{ie} soon learned, but Frank's. Just another lie, just another sob. Daddy had a look on his face like Anita had ninety-five items on her bill, and this was the ninety-sixth. "Pack your things, Nita, and get out," he said. He was awfully arrogant. What shocked Bessie, however, was that Anita might call him Dad behind his back, but she was screwing with him.

The next time ^{Bessie} ~~Bess~~ met Dad was on the street and his name she learned, was Frank Gilmore. "I'm getting married tomorrow," he said.

"Congratulations," she said.

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When she saw him next in the street, she asked, "How's married life?"

"It's all over with," he said.

She liked him. He was worldly-wise, and she was just a farmerette. He always knew where he was going. ~~They could shop in a dime store or an expensive place, they could have stood in a long line what with it being '37, but she felt comfortable with him. She even felt comfortable when she was yelling at him.~~ It was as if older men had been around the block and knew which door to open. ^{But} ~~For that matter,~~ he never acted like an old man, never complained. He was a very factual man and tough. Told her he had been a lion tamer and nothing more than that. He had deep wrinkles on his face that might have been scars to show it. He had been an acrobat and a tight-rope walker, ^{he said,} he said, and had a limp to prove it. Once, [^] in vaudeville, he had been so drunk while doing his act that he fell into the orchestra pit from a height. Broke his ankle. Now he was in his late forties, and had gray hair to prove it, but he still had a look to assure you that every woman he met was carrying a mattress on her back. ^{Bessie} ~~Betty~~ loved the way women were attracted. First man she ever wanted to chase rather than be chased.

~~She never knew that he really proposed to her.~~ One day they were walking out of a movie, and he ~~he~~ said, "Let's get

for ↑

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married." ~~To get down on his knees would have killed him. He~~
~~would have died right there. ² he asked her coming out of~~ *sketch*
~~"Captains Courageous."~~

~~He wasn't drinking, either. He was a man who stayed sober.~~
~~If he took a drink, he went on drinking until petrified. A few~~
~~years later, in their travels, they would get kicked out of a~~
~~hotel or two for his drinking.~~

They decided to hit Sacramento for the wedding. His mother
Fay lived there. ~~It turned out he had a mother who had been in~~
~~show business all her life which was how he had gotten into show~~
~~business.~~

sketch ~~When she asked what his father did, he only said that he was~~
~~also in show business.~~ *sketch*

~~It may have been six months before Betty was certain Frank~~
~~even knew who his father was.~~ *sketch*

~~Before they left Salt Lake, they stopped in Provo to see her~~
~~folks. Her mother and dad had seven girls and weren't going to~~
~~sit down and cry when they heard the news.~~

~~Her mother~~ liked Frank all right, but thought he was too
old. Her dad liked him because Frank brought a radio with him,
and the radio could bring in stations clear around the world.

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Her dad, who had been the janitor at the school all his life, sat up through the night listening, and Frank said next morning, "I'm going to give it to him. The man really fell in love with that radio."

The last time Bessie was back, after her mother died, the radio was still there, still working.

Leaving Provo, ~~Bessie~~ ^{Bessie} decided the family was ostracizing Frank just a little. Her family was not stupid, but Frank Gilmore was more intelligent. They would hold that against him. It wasn't that he wasn't a Mormon, it was that people who stayed all their life in one place weren't about to like people who were more intelligent.

Later, she heard of an old boy friend who came up to Ida's twin sister, Ada, in a restaurant and said, "You're Bessie Brown's sister," and Ada said, "No, I'm not her sister, don't you ever say I am," something fierce. ~~Bessie~~ ^{Bessie} felt a flame of hatred hearing the story. All her people, she would think bitterly, were settled before they were born. They couldn't move. "They," she would say bitterly, "didn't care too much for me."

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Frank hadn't said anything about his mother being beautiful. ~~He was~~ **Bessie** was surprised. Fay had a scintillating smile. She was petite, and her hair was white, her eyes were so blue you couldn't believe it. Her skin was flawless. She had a beautiful mouth. Her teeth were to perfection. She had never lost a tooth. She had no wrinkles. Even at her advanced age, which must have been close to 70, she was still beautiful and acted like a most regal queen.

Her stage name had been Baby Fay. Now she was a Medium and built her life around her bed. She rarely left her bed. Just lived in it, in the big bedroom of a big house in Sacramento, and ordered people around. She would command them to do this and do that. She gave orders like she was waving a wand.

When Fay tried it with ~~Betty~~ **Bessie**, however, ~~Betty~~ **Bessie** said, "Fay, command whoever you want, but when you want me to do something, just ask me." ~~Betty~~ **Bessie** ~~decided~~ **have been** she must ~~be~~ one of the few people

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who ever spoke up to Fay, who thereupon never ^{again} commanded her to do something. ~~-----~~

All the same, Fay could sure carrv things off. She let it drop that she was connected by blood to a very large and roval family in France. The Bourbons. "When you have children," Fay said, "the royal blood of France will show in their veins."

Start
~~Fay's maiden name was another matter. Betty never learned it. Fay had been in vaudeville around the turn of the century and earlier. When she didn't use Baby Fay, she was Fay M. Fox. That was it. She didn't want you anything she didn't want to.~~

Maybe once a week, Fay would give a seance. Sometimes forty people would gather in chairs around her bed, and pay ~~Bessie~~ \$5 a piece. ~~Bessie~~ didn't go to the seances. She felt like she didn't want to get too near such things. For that matter, you could be sitting and talking to Fay, and there would be a knock on the wall, or a thump on the ceiling. At night, ~~Bessie~~ could feel presences walking over her bed. She'd turn the light on, turn over, nobody there. Next morning, Fay would send ~~her~~ to the bank with \$500 in cash, tell her to deposit it.

After they were married by Fay, who had a license--it was a Spiritualist marriage--~~Bessie~~ ~~and Bessie~~ ~~was~~ ~~the~~ ~~spirits~~

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~~might be that gathered around Fay's bed, she~~ and Frank began to travel. He had stayed in Salt Lake for more than a year, at the time she met him, but that wasn't common. He liked to go from state to state selling space in different kinds of as-yet-unpublished magazines that often did not get published, ~~and~~ he had different names; Seville and Sullivan and Kaufman and ~~Coffman~~ and Gilmore and La Foe. Once he told her that his father's name was Weiss and he was Jewish on that side although he thought of himself as a Catholic, and Fay had put him in Catholic schools, had brought him up as a Catholic. In fact, he had a Jewish wife in Alabama, and a number of wives in other places. They were named Dolly and Nan and Babs and Millie and Barbara and Jacqueline and there was one who had been a famous opera singer. So far as ~~Betty~~ ^{Bessie} knew, he was divorced from them all. ~~He had the~~ ^{He had the} ~~one named~~ ^{one named} Dolly ~~was~~ ^{was} tattooed on his arm, and ~~she~~ ^{Bessie} had to look at DOLLY every time he put his arm around her. She told him it irritated her; he told her he would never take it off. "If you don't like it," he said, "go somewhere else."

space # #

~~There were other things to quarrel about. Maybe it was the opera singer, but Frank loved opera. It bored Bessie. Frank would walk into the room and turn Betty's radio off, and say "I can't stand that Okie stomp."~~

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~~She would reply, "It's my radio. I should be privileged to play what I want." Long as they lived together, he would listen to opera. She couldn't endure it. He would listen to opera and eat a bowl of cherries.~~

~~On the other hand, he would not dance. Long as that man had been in show business, he did not dance, and needed a few drinks even to believe he could, and then he was terrible.~~

~~But he sure had been in show business. Theatre people recognized him everywhere. In Oklahoma City, everybody recognized him.~~

~~They had free theater tickets all over Oklahoma. She loved San Francisco because he taught her how to find your way. If you walked long enough, you always came back to Market Street. They travelled everywhere and never had the same name twice.~~

~~Every state was a different name. One day they drove across Salt Lake City. Never stopped. In a quick minute across the wide, wide, forever wide streets.~~

~~Over the years they must have travelled through every state but New York and Maine. Stayed in hotels with names like Caville Hotel and Semoh Hotel. Semoh for homes spelled backwards.~~ *and he seemed to use a different name in each state.*

~~He had several birth certificates, but she never asked him why they lived that way. He would have said, "If I thought it was any of your business, I would have told you years ago." She didn't bother to ask. She was as strange to him, she figured, as he was to her. She was raised so root straight down that they never understood each other. No matter.~~

start

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del ~~She never tried. She thought that you had to love people as they are. If you changed them, they would be very ugly people and you would leave them anyway.~~

Up and down the country they went. Frank always drove a big car. Always put his short burly body in clothes where nothing matched and everything was big and loose and comfortable. If he didn't use belts or suspenders, his pants were sure to hit the floor. She thought he looked like Glenn Ford. Years later, considering how chewed up his face had been by the lions, she came to think he looked like Charles Bronson. Short of the devil, he was certainly afraid of no one.

del ~~He also spoke the Jewish language. He had a knack for making friends with Jewish people. Spoke their language. He could Jew them down and they loved it. One time Betty was in this Jewish place and bought something expensive. When Frank found out what it cost, he said, "How much did you charge you the full price?" "Well, of course." Took Betty over to the owner and the man apologized because he didn't know Betty was Frank's wife.~~

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5.

That time they went to be married by Fay was the first
Frank had seen of his mother in twenty years. ~~Now they got~~ ^{But after that,}
~~along better,~~ and he and ~~Betty~~ ^{Bessie} would come back to Sacramento
now and again. After awhile ~~they~~ ^{Bessie} couldn't help noticing
how often ~~they~~ ^{Frank and his mother} got to talking about Houdini. He was a favorite
topic for Frank and Fay. They sure both hated Houdini, and
could get the blood up calling him ugly names. He had been
dead for more than ten years, but they labelled Houdini a pip-
squeak and a cheap tramp. ~~It didn't upset Betty. She had~~
~~never enjoyed reading about Houdini in the newspapers or thinking~~
~~of what he did. He gave her an uncomfortable, even a fright~~
~~ening feeling, when he pulled his stunt of escaping from a~~
~~sealed casket underwater while wearing handcuffs and chains.~~
~~She was still a girl when Houdini, in fact, had been the talk~~
~~of Provo on that day. People made jokes. Houdini would~~
~~escape from his casket tonight, Houdini would walk around tonight.~~
~~Those farmers had crude lives and crude jokes, and she heard~~
~~a lot about Houdini and never thought much of it.~~

Now Fay and Frank talked about the man like they knew

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him intimately. After a while listening to their conversation, ~~Bessie~~ ^{Bessie} learned that Houdini had given Fay the money to send Frank to private school. Then she remembered that Houdini was killed by a boy who hit him in the stomach with a baseball bat, and she recalled how Frank told her that his father, whose name was Weiss, had been killed by a blow to the stomach. Then she learned that Houdini's original name was Weiss and he was Jewish too.

By then, Fay didn't bother to conceal that Houdini was Frank's father. Out of wedlock, of course. ~~Before she died, she showed~~ ^{Fay said she had papers} ~~to prove Frank's parentage, but~~ ^{Bessie} ~~never saw them,~~

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~~Betty where a lot of papers were, and said they would prove Frank's parentage. Of course, she didn't show the papers themselves. Just told Betty to be around her death bed and pick up the papers. "I don't want anybody else to get them," Fay said mysteriously.~~

~~They were in San Diego when Fay died in Sacramento. Somebody back East was notified and the papers went East. The funeral was over before Frank and Betty even received the news in a letter.~~

~~Frank's and~~ ^{Bessie's children, the four boys,} ~~the boys~~ Gaylen, Frank Jr., Gary and M. Kai ~~the boys~~ grew up thinking of Houdini as their grandfather.

Gaylen didn't like him exactly, but he sure must have been fascinated for he used to celebrate the anniversary of ~~his~~ ^{Houdini's} death, ~~on~~ October 31, Halloween. He lit candles and had a little ceremony. ~~It always came the day after Frank Junior's birthday on October 29.~~ Frank Junior became an amateur magician and, at fifteen, belonged to the Portland Magician Society.

~~For out~~
Gary never made much of it. Bessie always thought he saw himself as important with or without Houdini. ~~Bessie who~~ wasn't so sure Gary would want a small piece of himself to be Jewish. Not when you're Irish and Texan.

^{her} Sitting in ~~the~~ trailer in the maddening heat of the end of ^{summer after} Gary was arrested for murders Bessie ~~could~~ ^{would} imagine July and the beginning of August, she could hear Brenda teasing

the two

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Gary. "Well, cousin, here you are in jail. Houdini never taught you how to escape!"

"He didn't," Gary would say, "I must have been reincarnated backwards."

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II
CHAPTER TWO : ((need section head))

1

Cliff Bonnors, who worked as an auto mechanic over at Plymouth Dealers in Orem, dropped in at the Silver Dollar one night, just a little before Nicole and Sue Baker happened to walk in, and Cliff started talking to her, and then to Nicole.

About the time Cliff realized he and Nicole were going to hit it off pretty good, he asked if she would like to go for a ride over to his house while he cleaned up. He was feeling extra dirty, ^{from all the grease} because Nicole was looking so neat. ~~She didn't really have a lot of clothes on her back but what she had, was fresh and cool, and it made him feel the grease on his own self especially when she didn't want to go along with him at the earliest suggestion. Still, he kind of talked her onto it, by agreeing to drive her to the jail. She wanted to drop a letter off there for Gary.~~ ^{but}

Well, that kind of bothered Cliff. He'd read about Gilmore in the papers, and heard it on the news, but hadn't known the

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fellow was connected with this girl he just met. Then he said to himself, "What the hell, he can't do nothing. He's locked up and ain't getting out." So they rode the truck over to Cliff's house while he took a shower, then rode down to the jail where he stopped in the dirty old cinder lot by the railroad siding outside. She went up in the dark and knocked on the jail door, and gave the guard a letter to pass on to Gary, then they went out and rode around for a while in the foothills, and parked.

Before too long, Cliff began to make love to her, and thought she really knew how to enjoy it the first time with a fellow. It was no short, quick thing but pretty liberal; they were there for a while. Then he took her back to the Silver Dollar, said good-night, got her address.

After that, Cliff would go to her place in Springville every few nights to spend the night. ~~Being divorced from his wife hadn't ended his marriage altogether. Some of the roots were out but not exactly all of them. There were a lot of twinges in his feelings even if he was seeing a few girls.~~ It was all the nicer, therefore, what he and Nicole had, since they didn't ask too much of each other. He could see who he wanted to see, and Nicole had her friends--in fact, once or twice when he knocked

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on the door, she would tell him she had company, ~~a few weeks~~
~~went by in this manner~~

Something he always told her: "I'm not going to try to butt into your business." He never really questioned her about what she was doing. On the other hand, she was somebody to talk to. There were times when he went over and didn't make love or nothing, just talked out what she was bothered about, and formed a certain companionship. Nicole would say she liked somebody to be with her, somebody to talk to. He could see she hated to be alone.

It was a nice friendship. If she was out of cigarettes, he'd get her a pack. If she got her period, he'd ride down to the store, bring some Tampax back. Wasn't really rich, but tried to help her out. Also, he never got too curious about other guys like the dude with the motorcycle--reason Cliff knew was cause a Harley sat in the parking lot on those times he came and she was having company.

Same story for that. She'd met Tom one night while out with Sue. She was feeling so depressed she fell asleep in the car and Sue drove her to Sambo's, dragged her into Sambo's and Tom was there frying. Tom Dynamite, the fry cook. He was coming down off some acid, and they hit it off and got to talk a little.

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Although they never had too much to say, he took her home on his motorcycle, and slept with her, and they became very good friends. They never talked too much, but they were close. Quite a closeness. No great love affair, but something agreeable.

Sometimes at night, when Cliff would go over, the lights would be out, and she'd be sitting in the dark. Meditating, she said. There would be letters on the table in front of her. It would look like she had been reading them, then turned off the lamp. Gary was writing her two letters a day, she would explain, and they were long letters, often five or ten pages on long yellow sheets.

Those were sure long letters. Did she read all of them? ^h

~~Cliff wanted to know.~~

^{she told cliff,}
Well, she read nearly all. He wrote so much. Maybe she didn't read every last word religiously if you got down to it. There were a few she just scrounged through.

Then she shook her head. No, she said, she really read all of them.

August 4

Will you send me a picture please of you. I want one real bad. In color 'cause you have such beautiful color to you. Hope

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I see you again soon. I get choked up sometimes when I look at you. The last few times I've seen you that's happened to me. I kind of lose my sense of time and place. It's like shifting into another awareness almost sorta going blank and being aware only of a Love (capitol L) that can't adequately be put into words. I look into your eyes and I can see for at least a thousand years. I see no evil in you, or menace. I see beauty and strength and love that doesn't have any bullshit to it. You're just you and you're real and you're not afraid, are you? I haven't seen you show any fear. That's remarkable. Fear is an ugly thing. I haven't seen any in you. It's like you've passed your test in life and know it. Like you've been up to the edge. And looked over. You're precious, Nicole. These things I write here are things I know are true and they make up part of the reason that I love you so utterly. I love that vein in your forehead. And I love the vein in your right tit. Didn't know I loved that one, did you? I do.

It all passes, Nicole. And this too will pass, this bad time. I'll be with you--my heart is always with you, as it has been. I don't ever want to lose you, that's the only thing I fear..

KISS HERE

GARY

TAKE GOOD CARE OF YOURSELF, PRECIOUS

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August 6

...here I sit for a couple more days in this old, old cell. I was back under the table reading the autographs but there's really nothing of interest there. I checked under the bunks but they are equally as drab. Writings on jail house walls always seemed sad and forlorn to me. Lonely like. There are six bunks in this drum but I'm the only prisoner here. This is the maximum security drum. All the other prisoners are down the line somewhere in the main tank. I can hear a TV off in the distance and I hear the cars going up on the highway--I was able to sit up on the table and watch 'em but these sorry pricks closed my window.

Saturday, August 7

Hello now, Wondrous Fair,

Hope this finds you well....

I thought I would sleep as soon as I hit the rack last nite, but I didn't. I layed awake for a couple hours. Though it wasn't the haunting pain and the desperate hopelessness that kept me awake this time. I was simply afloat on the magic vibrations you set astir in my soul. And I didn't want to sleep yet. I felt I was holding you close like I've held you before and for a time I wasn't in this cell. I could feel you.

How I miss you!

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I can hear a radio in the background and they're playing
"Afternoon Delight." We had a few afternoon delights, didn't
we? I made you come one time in the afternoon and we were
both covered with sweat. I could have held you forever then. . . .

~~You mentioned the Apple Tree in your letter. I've thought~~
~~a lot about the Apple Tree. So real and sweet. It brings~~
~~tear to my old outlaw eyes.~~

When I thought I had lost you--Nicole, that Monday nite,
the next day, and the days that followed, I felt like a man
whose flesh had been stripped. I've never felt such pain. And
it kept building. I couldn't drown it and I couldn't shake it.
It shadowed all of my hours. I once thought that I'd really
been through some rough things, that I was immune to pain. One
time I was chained to a bed for two weeks spread-eagle hand and
foot, flat on my back. When they came in to laughingly ask me
how I was doing, I spit on them and got punched out for it. And
they shot me with that foul drug Prolixin and made a zombie out
of me for four months. I was virtually paralyzed. I couldn't
stand up without help and when I was raised to my feet I'd
wonder what the fuck I wanted to stand up for and I'd sit back
down. When it was driving me the worst I went for three weeks
without sleep. I just sat on the corner of the bed--I hallucinated
to the edge of insanity. I wondered if I'd ever be the same again,
if I'd ever be able to draw and paint again. I lost about 50

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pounds. I just couldn't get the food to my mouth. Getting up to take a piss was a major effort, I dreaded it, it would take me about 15 to 20 minutes--I couldn't get the pants buttoned. After a while I could barely see; my eyes had filled with some kind of white discharge that dried real thick on the lashes and I couldn't reach up to wipe it away and I couldn't see through it. Every 3 days or so they'd take me out of my cell to shower and shave. I hated that, it was such an effort! They'd hand me this electric razor and stand me in front of a mirror. I'd just stand there. There was no way on earth I could get that razor to my face. Sometimes they'd talk bad to me, say: "well, you're one of them tough guys, huh? Can't button your pants. . ."
shit like that. I just had to look at them and take it. Some-
times I'd reply: "Fuck your mother, you pig." They'd get pretty
pissed about that but it wasn't really much consolation to me. . .
I never begged them and I never cried not even when I was alone
and I was completely alone. I knew that it would pass, eventually,
and it did. I was able to shake it.

That was a bad experience. I've had others--unpleasant ex-
periences of a long duration. I've always shaken them off and
felt stronger for it.

But I've never felt the kind of pain I felt when I thought
I'd lost you. ~~I couldn't shake that off I only wanted you~~
~~back, that's all I knew. I stayed at your house a few nites,~~
~~and it was so lonely, Nicolas. I was so depressed. I'd walk~~

~~will also when it becomes ultimately clear one day--but I
feel we were always lovers. I knew this when I saw you that
first nite, May 13th, Thursday, at Sterlings. There are
some things you just know. And it went so deep so fast--it
was a recognition, a re-newal, a reunion. Me and you Nicole;
from a long time ago. I have always loved you Angel. Let's
don't ever hurt each other again.~~

Space

Cliff Bonnors was great because he always brought his mood around to meet hers. They could travel through the same sad thoughts never saying a word. She liked Tom for the opposite reasons. Tom was always happy or full of sorrow, and his mood was so good and strong he would take her out of her own mood. He wasn't dynamite so much as like a bear full of grease. He smelled full of hamburgers and French fries--she started to call him Tom Griddle. He and Cliff were both beautiful. Sex with them was nice. She could like them and never have to worry about loving them one bit. In fact, she enjoyed it like a chocolate bar getting all the taste out. Never thought of Gary when fucking them, almost never. It was like being a kid and stepping out of her shoes into her mother's high-heeled shoes. You half moved over into being another person.

It certainly wasn't like sex with Gary where the moment something good began to happen when and if it did, why it

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travelled to her heart and started to build, as if she was some goof-ass bird making a nest. When she went to visit Gary, therefore, she never thought of Tom or Cliff, or Barrett, or any incidental party. One life on Earth, another on Mars.

It wasn't the worst way to live if not for those horrible depressions ~~when it got real that she had them~~. That was like sirens in the fog.

Whenever she let herself think of the death penalty, everything started to get unreal.

Death would sit in her thoughts. Except it was more as if she was sitting in death, as if death was a big armchair in which she could sit back and sink. The chair would begin to go backward, but slowly, until she felt the kind of nausea you get on one of those slow twisty carnival rides where you don't know if you are excited or ready to throw up. Sometimes when her thoughts stopped, she would feel as if she were still spinning.

Sure I miss the sunlite and the air! I'm already losing my tan. Before long I'll be paler than a ghost. In fact, before long, I may be a ghost.

space

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After a couple of weeks, they began to move Gary back and forth across Provo from the jail to the mental hospital, ^{Nicole's} ~~That was only a two mile transfer. He would be taken from the west end of Center Street where the jail, charring in the August sun, sat between the entrance ramps to the Interstate just an old funky one story flat top jail looking like a warehouse on a railroad siding, to all the way up Center Street past the hardware stores and clothing store, and ice cream parlor, to the east end of town, all residential where you got nearer to the mountain, and the road slanted up and came to an end against these foothills that pushed into the wall of the mountain, right where they had built the amphitheatre and Nicole had run naked in the grass in back of the nuthouse. He spent some of the time in the old nuthouse, Utah State Hospital. That was where they were keeping Gary time to time now. in the Jail and some of the time in the nuthouse.~~

One thing was better at the nuthouse. ^{Nicole} ~~She~~ could have contact visits with him ~~now~~ ^{there}. Not the way it was at the jail house, where they took him to a little room and she stood on the other side, trying to see his face through a thick tough screen of the kind they used to keep minks and raccoons and sharp-clawed animals from breaking out, screen so thick their fingertips could hardly touch through the tough mean little holes. All the while they were talking, every noise of the jail would be

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going on behind her. She ^{1d60} ~~was~~ standing right out in the dirty old entrance room with guards and trustees and delivery men and what-all yelling back and forth, straining to hear Gary's soft voice, a loud radio or the TV always on, and one of the prisoners usually shouting in the main tank, somebody always fighting for what she could hear.

At the hospital, it was different. She was with him in a room. They could have contact visits. He would grip her, practically crush her up against him, and they would kiss for five minutes, far out on the other side of sex, as if it ~~was~~ ^{were} her soul on the trip rather than any juice starting to flow in the trustworthy meat. They were kissing from one heart to the other and flying around--not sex, but love. Right on the wing.

Then they would land. They were in a bare room, cement-brick walls painted yellow, four inmates looking at them, trying not to look at them. That was the posse, Gary would explain. He would say it in a clear voice, his snottiest voice, clear enough for the inmates to hear, that they had put him among a flock of sheep who were hell-bent on policing each other. "A herd mentality," he would say. "They can't even talk to you unless they got two of them around. One to snitch on what the other just said."

The four fellows in the posse took it in different ways.

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One would grin like an asshole, another could look as if he was measuring Gary and on the first excuse was going to let him have a couple, the third would be depressed, and the fourth might even look eager, like he wanted to explain to Nicole how the patient program worked in this hospital.

She picked up on that bit by bit. There was a crazy system here. They called it the program. A bunch of dudes were facing prison sentences, and they were mixed in with real psychos plus a couple of zombies and some real paranoid types like April wandering the halls. All the same, these kids right out of prison and reform school, together with the true nuts, had a constitution and elections and a patient-run government. They ran the ward for themselves.

Gary explained it. Right in that yellow room, with those four dudes tracking on Gary's hand every time it covered her breast, he would speak out on this hospital system where the doctors let the patients control everything, even elect their own president--President of all the patients. It was the hottest kind of horseshit. That was what they controlled.

Gary had always told her stories about prison, but never got into the nitty-gritty. Now, he did. Right in front of the posse. He spoke of the way prison was supposed to work. It

was a war. It did not stop. Convicts might do a job on other convicts, convicts might even kill other convicts, but they were on the same side. They were against the guards. Had to be. As a result, there was nothing worse than a snitch. The guards and the warden did everything they could to build an intelligence system--they depended for what they knew on snitches. A snitch, said Gary, would even suck your cock and then run to the warden with what he learned from you. So the convicts did all they could to wipe out inmates who were snitches. In a good prison where the convicts had it down, there weren't many snitches. Prison, after all, was a city where convicts lived. The guards just passed through for eight hour shifts.

~~There was the way it should work.~~

Here they had done it inside out. The inmates supposedly had the power. There were no guards. Just a few aides. The guards were now the inmates who got elected to the posse and worked for the doctors. "They are in the throes of brainwash," said Gary, pointing at the posse. She wanted to giggle at the way he told them off right to their face. "Self-seeking snitches," he said. "Not a spark of life in them. Nobody looks at anybody. They just have agenda meetings."

He would say this while she sat on his lap, say it while he was feeling her, and the four dudes were looking, and boiling,

or hurting, from what he said. Then he and she would just hold each other and whisper and talk of other things. Sunny and ~~Jerome~~ ^{Jeremy} became one topic of conversation. He would want to know how they were getting along. He would speak of how sorry he was that he used to yell at them. He was sorry he had let them get on his nerves. In fact, they were remarkable children. Right in front of the posse they talked.

Then he would get mad again. The way they worked this hospital was worse than student government. Everybody reported on everybody; everybody was always taking everything up at a meeting. Committees for everything. A committee to sweep the hall. A committee to pick up the straws from the brooms of the fuck-up committee who swept the hall. Each committee ran around snitching on the other committee for doing a bad job. A punk could go into a real prison, Gary announced, and if he had balls he might come out a convict. In this hospital, men came in as convicts, and got released as punks. The posse listened to him. "This place sucks. I've never seen the like of such shit."

After a few visits, Gary gave up riding the posse. It was as if the hour was too valuable for such talk. ~~He~~ ^{He and Nicole} would sit and hold hands and be silent. They would think of places they used to go to. They would live in the breath that went back

and forth. Sorrow would visit from one to the other. Not a flood of waters, not the way she would cry on Tom Dynamite's naked shoulder for what she had done to Gary, or cry with Cliff because his high school sweetheart whom he had married *and divorced* wouldn't even let his son talk to him now, no, sorrow lifted out of her heart and passed into Gary's chest and returned with the breath of his sorrow. It was as if they stood on a ledge and sorrow was as light as all the air below the fall.

Then they would feel loving again and he would grope her in front of the posse until she wouldn't have minded taking off a thing or two--something new for the posse--and then, time up, feeling truly horny for Gary--that was one nice feeling--she would get up to go, she would get ready to go out in the street and start the long walk down to a part of town where she could begin to hitch a ride.

Sometimes, the doctor who looked to be the head guy around there, a fellow named Dr. Woods, would stop her for a talk, ask her into his office. He would get into the feeling she had of being to blame for Gary's acts. Nicole would wonder if the posse had heard her talking to Gary and reported it. Of course, they had, she would decide. Four dudes, with whom she might have acted like a sweet lady, under other circumstances, were now snitchers.

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She would ask Woods what this was leading up to, and he would say--he had a funny way of talking for a shrink, he always hesitated a little and came up to subjects from one side, then the other, never said it outright, but Woods would finally say that she didn't have to keep that thought in her head because Gary wasn't simple-minded. He was a complex individual. He was not the sort to say, I care for Nicole, so I'm going to kill somebody.

Nicole would listen. Dr. Woods had the power to say Gary was insane, and then they wouldn't give him the death penalty. In fact, if Gary could get to a mental hospital, he might be able to escape. So she wasn't going to insult the doctor, still, he was the weirdest for a psychiatrist. He was tall and very well-built, and he looked like Robert Redford in Downhill Racer, except he was maybe better looking and maybe even bigger--he was one of the best looking men Nicole had ever seen. Yet she thought he was kind of wimpy in his manner, never coming down hard on one side or the other. She certainly felt funny talking to Dr. Woods, handsome John Woods, when she was horny as hell after being with Gary and the posse. Those eight posse eyes looking her over left a girl feeling like a special dish.

She would leave Woods' office and hitch a ride, and the

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day would come slowly back to her, and she would feel a little less like a ship in outer space, and think of supper yet to make for the kids, and annoyance that her car was on the blink and Barrett hadn't fixed it. Her life, which is to say, her problems, would start coming back on her, and then she would get home and there would be a letter from Gary describing the very nuthouse she had just been at. It was like getting up from a dream to answer a knock on the door and the knock came from the person you had just kissed in the dream.

August 10

I see you in so many ways. Your child-like look of wonder that sometimes came over your face. That certain little beguiling smile that so captivated me the nite I met you. I don't have words to describe it, but I think I tried before to tell you about it and how it makes me feel. That smile you've got. It's kind of elfin, a little bit flirtatious, and totally innocent. And so elusive. It neither asks a question nor gives an answer. It wasn't there all the time, just now and then I would see it. I cherish that look, that little certain smile.

So many beautiful memories. In the morning when you would get up to fix me breakfast and a lunch to take to work. You were so beautiful in the mornings in your short blue robe with

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your pretty little booty sticking out. It was hard for me to
leave for work! And you'd stand there in the doorway as I
left with such a wonderful, personal look in your eyes. I'd
give anything now to sit down with you again at that table
and have a cup of coffee with you. I was so selfish sometimes
in the morning--I'd wake up and want a quick fuck and something
to eat and my lunch and away I'd go. I was so thoughtless--
and now I want to sit down at that table with you, close,
touching knees and drink some coffee with you. Oh, Nicole.
I love you so much, honey. . . .

~~A posse member's supervising me because I have a pencil
it's only about two inches long, they broke it in half then
tore the eraser out and gave me part of the pencil and the eraser
--I asked them what the fuck that was for and they told me so
that I wouldn't stab anybody. Unbelievable! . . .
Nicole, what the fuck kind of journey am I on?~~

Three nuts are having an argument outside my door because
one of them emptied my urinal an hour ago and forgot to chart
it. The first loony is accusing the second loony of gross
negligence and dereliction of duty in his failure to properly
chart on the log hanging outside my door the time of day that
he emptied my urinal. The third loony is bouncing from foot
to foot trying to get a word in edgewise. The second loony is

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becoming quite excited and is trying to appeal to me for help.
I'm just digging it all. Now all three of them are appealing
to me to settle this national disaster. I don't know what the
fuck to say but I'd hate to see this poor buffoon lose his
T.V. privileges or something--he's the same chap who sat so
patiently outside my door the other day while I wrote a letter--
so I tell 'em "Hey, it's okay man, everything is really cool,
this guy is on the ball. Didn't spill a drop and brought that
urinal back clean as a whistle!" Now they don't know what to
say but it appears to have settled the argument. They're getting
a pen to make the required chart entry.

Oh, Nicole, I'm so lonesome. I miss the life we had. I
miss being in the same bed with you, holding your pretty face
in my hands looking into your charming alarming eyes. Coming
home to you at nite--how slowly the days went when I was at
work!

God, Nicole! You're the most important person in the world.

I remember one time when we were fucking and we were really
bucking up against each other. Hard. Wild. How I'd love to
do that.

August

The drinking fountain is across from my cell and it is
really funny the way some of these guys drink water. This one

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August 18

There's a guy washing his face in the drinking fountain--
I hope nobody sees him; I'm sure that must be some kind of
offense. A couple women from the ladies side just came over
to the office here asking for a plunger. This one dude told
'em: "I got a plunger, pucker up." I thought that was pretty
cute.

August 19

These are some of the most silent days I've ever spent.

August 20

What a bunch of punks. I'll bet I could take any one of
them posse punks and fuck him in his ass and then make him lick
my dick clean.

I was interviewed by a couple of psychiatrists today. They
wanted lurid details. . .

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III: ((I need section head))
~~CHAPTER 1~~

1

After the accident, early in August, Nicole's car was a mess. First, it would only go in one gear, then something slipped into place again and she had all three forward gears operating, but reverse was out and the clutch could hardly be depended on. Sometimes the car wouldn't move at all.

She had stopped sleeping with Barrett as soon as she saw Gary in jail, and Barrett never said a word but moved up to Wyoming. He would come back every week or so to the little motel room he still kept in Springville. Once in a while, he would drop around and ask if she needed any help. Of course, if Barrett had money, he sure wasn't showing it, but one day he did offer to fix the car. And couldn't have been nicer about it, considering she still wouldn't go to bed with him yet he still made the offer. So she did give him something that night he was so pleasant about it.

Next day when she came back from visiting Gary, the car was gone. Barrett had towed it over to the lot in back of his

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apartment. It wasn't that far from her place in Springville so she walked over and there he was working on it with friends. She kind of had fun hanging around, helping get it up on the blocks. Then progress stopped.

~~There was something, the bell housing, or whatever he called it, that was welded together.~~

~~She had driven it so long, she screwed it up. Or maybe she'd~~

~~just driven it too HOT. Anyway, it had welded together. Barrett~~

~~hammered away and did everything to get it loose. She even left~~

~~him one day, while he was pounding on it in order to hitchhike~~

~~over to Gary, left Sunny with him. The thing is, after he did~~

~~get the bell housing open and the transmission out, he discovered~~

~~It~~ needed a new main clutch plate. ~~and~~

~~mission sitting on the ground and there were they without the~~

money for a clutch plate. It was a problem that could be resolved in a way she did not like to think about.

She went and saw Albert Johnson who was the manager of a food store in the area. ~~She had had dealings with him a couple~~

~~of years ago.~~ He was about twice her age, just a pleasant

looking family man, and ~~she used to shop at his store with the~~

~~kids along and buy a couple of things that she would pay for~~

~~and shoplift stuff with the other kids.~~

~~One day they stopped her out front. He Johnson explained~~

~~in private, they always waited in the store till the shoplifter~~

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they'd get irate and damn the government because their welfare checks didn't come in one week on time. But he liked her, he said, and went out of his way to tell her he had a daughter her age and could understand her problem. He said if she ever needed anything let him know.

The next time she came into the store, he said he'd like to trade with her, you know? Said it in a nice way and told her how pretty she was, and that he really liked her. She joked back. Always made the same jokes. "No, there's nothing to trade this week." Then, after a while, she moved out of Provo to Spanish Fork and rarely got back to shop there.

~~Now, about a year later, she had started seeing Albert~~
~~again.~~ He was the only store manager she knew who would let her trade food stamps for cash. To get him to agree, she had told him about Gary and a few of her troubles and he sympathized enough to give her eighty bucks for eighty dollars worth of stamps whenever she came into the store. This time, however, she told him she had no stamps and needed fifty bucks. He gave it to her without conditions straight out. Then she heard herself saying that she owed him something and didn't like leaving debts unpaid, asked how to take care of it. He told her there was one way she could.

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Afterward, he told her he wished to Christ he hadn't done this to her. He begged her not to turn professional or something, because she wasn't that way, he knew it. He was a family man, and felt real bad about it.

She told him not to worry. It was just because she was without a car and needed wheels desperately. ~~It was really an incredible story in her own ears as she told it, all that stuff about the transmission being out on the ground, and hitching to see Gary.~~

~~Albert Johnson hadn't been bad to her, he had been nice,~~
~~in fact.~~ But it was an ugly experience and she suddenly felt very ugly. With all she had told Gary about her life, and with all she was yet going to tell him, she would certainly never get around to telling him about the store manager.

Anyway, there was the cash, fifty dollars. She gave it to Barrett and he got in his car and went off to get the main clutch plate, and she went home. Next thing she found out, Barrett had split again for Wyoming. Must have been a good week later before he returned. When she went over to look at her car, he still hadn't done a damned thing. The car was sitting wide open with the parts on the ground starting to rust, and the body

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on blocks like a corpse or something with a curse on it. She could feel how angry Barrett was. So she did no more than leave word she'd been there. Sure enough, at three in the morning, he showed up at her apartment, stoned half out of his head.

2

Barrett
Stek

Barrett was truly upset. ~~It had been one of those days when Nicole was getting to him on the sentimental side. He kept remembering the first time he had brought her home to his mother and dad, after she split with Hampton. When his mother had said they'd have to sleep outside in the Volkswagen until they were married, that was his mother's logic, saying it while being perfectly friendly all the while to Nicole and Nicole had answered "I don't care where we sleep. We're never going to have much money, but we're going to be very happy." He could never get that out of his head. Every time he was sure that he was free of Nicole, no love left whatsoever, he would think of that remark, and all over again he would be nothing but a man with a wound.~~

He had been on so many hits the last week in Wyoming that he could hardly remember what he had taken and with whom--

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couldn't even remember who first said Nicole was seeing Gary again, then it seemed everybody was telling him. ~~Everybody knew but Barrett.~~ He went on a self-pity cruise. ~~Didn't approve of self pity, but a fellow had a right to get real sorry for himself once in a while.~~ He couldn't help thinking of all the times he had come in to rescue Nicole, taken his lumps, dared his life if you get down to it, and she had rewarded him with a trip to the bedroom. Not love just the bedroom. ~~It was an unhappy situation when seeing your nearest could lead you out of shape.~~

~~Full of self pity, he decided it was still all right. At least, self pity let all the good memories come back. Like the time Hampton caught up with him after he first stole Nicole. That was the best getting wasted he could remember.~~

~~He had been over at a friend of his selling drugs, a little crystal, some speed, they toked a couple, got blasted. He was seeing colors, the works, and drove down a technicolor road from Ishi to Pleasant Grove to pick up Nicole at high school. She was staying with her parents then.~~

~~Well, unfortunately for him, just as he was parked there, Hampton drove up in a '54 Ford, dark blue. Just as Nicole walked out the school door, there was big Jim Hampton coming up out of~~

A

the time
Nicole's first husband

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~~his car. Barrett got out also, figuring, well, I know Nicole. If I sit in here and lock the doors, she's going to say I'm chickenhit. So Barrett got out figuring to take what was coming, hoping Hampton wouldn't punch him. Barrett would never go out and punch somebody who stole his girl. If somebody could steal her, they could have her. But Hampton, like Gilmore, was a jealous type. He walked up to Barrett, looking like three heads taller. ^{and} ~~Barrett was a real scrawny dude then and exactly as Nicole was walking down the steps of the high school, Hampton came along to him and Barrett, not knowing where to put his attention first, went up, smiled, said "How are you doing?" Hampton smacked him, knocked him down. And the time~~~~

~~Having smoked those two joints, Barrett was pretty loose. Everything went black. He couldn't see. Everything went black. He'd been socked. Tried to get up, and then he did get up, and got smacked again. Nicole came on them at that point and called Hampton a fucker and started carrying on. After Barrett got hit the second time, onlookers could see he wasn't able to defend himself, and pulled Hampton away. Nicole and Barrett got in the car, and they drove up to the canal. They sat by the water and he told Nicole how the windshield was turning yellow and molting. All kinds of shit, you know, and between the blow he'd taken and the pot he'd smoked, he might as well have been~~

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~~flying an acid trip. It was all over and he felt fine. Full of colored streams. Nicole was sitting next to him, and if he had to take a couple of bumps for him, big deal. He felt like heaven thinking of that sweet moment when she loved him and took his side. He must have had to go in and rescue her ten times like that.~~

~~Like the real nervous time after she broke up with Joe Bob Sears, the animal, and they went to live in a tent with the kids and no money. There was that day, just as Sunny, Jeremy, Nicole and himself were getting into a friend's borrowed car, when Joe Bob pulled up like a comet. All of a sudden he could still hear the whistle in his ears--zoom, right from across the street, ~~Joe Bob~~ pulled up ² the car across theirs, so they couldn't go anywhere. ^{then} ~~Joe Bob~~ ³ ~~Sears~~ in a green Maverick. What a sight Barrett's heart hiccuped out of his chest. Joe Bob flew over, opened their door, jerked Nicole out, grabbed Sunny, jerked her out, grabbed Jeremy, ~~hit his head on the car, gave Jeremy~~ ~~some bump.~~ ^{CAR} He picked them all up ⁴ threw them in his ~~Maverick~~ and all the while Nicole was calling Joe Bob every rotten name. Barrett got out to see what he could do, ~~Joe Bob~~ grabbed a knife out of the back seat, pointed it at Barrett and said, "I'm going to cut you open." ^{A cop finally had to settle that one} At that, ~~Jim~~ jumped back in his ~~car, backed up and came forward, tried to run Joe Bob over, but~~ ~~Sears jumped away, jumped back in his car, and took off down~~~~

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the road with Nicole and the two kids. Just then a cop came along, Barrett flagged him, said, "That guy just kidnapped my wife, you know, my girlfriend." So the cop gave chase, gave Joe Bob the red light, pulled him over.

Nicole and the kids were standing on the grass, Joe Bob was saying, "She's my wife, she's coming with me, you know" and the cop was saying, "She doesn't have to go with you if she doesn't want to." Nicole was saying, "I ain't going with you, you bastard." Finally, the cop said, "Listen young lady, you better knock off that language, or I'll lock you up too." Finally, Sunny, Jeremy, and Nicole got back in the car with Barrett and he took off and that's the last they ever seen of Joe Bob. ~~They went back to living in the tent.~~

\$ 50

Barrett

All of this was kind of living in his head when he went over to see Nicole ~~on this morning~~ at three in the morning. He was stoned enough to think that if she liked killers so much, she didn't know how close she was to having herself a real thrill with him.

She was sitting there, writing a letter to Gary and she did not want to be interrupted. In her mind, she was all alone with Gary at that hour of the morning. But Barrett came in, watched her put the letter away, and announced right off he wanted to

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fuck her. She wasn't into it, she said, she had a lot of things in her head. He kept telling her how much he loved her.

When she started to walk away, he sat her down on a chair. ~~didn't throw her down but sat her down hard enough she knew~~
~~damned well she wasn't going to get up in a hurry, but was~~
~~going to have to sit there and listen.~~ He started to say that if she knew some of the things going on inside of him, she would be scared.

Nicole said, "There ain't nothing that matters." He tried to get sarcastic and hurt her feelings. "Oh," he said, "you were writing a letter to your murdering sweetheart." Something stupid as that. Then he repeated that if she knew what was going on inside of him, she'd be afraid. "Nothing," said Nicole, "scares me anymore."

Barrett took the little picture of Gary that she had taped on the wall, just a Polaroid of the kind you don't have copies of, and started trying to rip it. Which made her furious. It was some kind of tough Polaroid that was sure hard to rip, and it struck her comical because he was so stoned that he was having difficulty. Then she got mad, and said, "You son of a bitch, give me that son of a bitching picture." But Barrett held it away and took his lighter out and started burning it.

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When she tried to grab it, and he wouldn't let her, she picked up an ashtray, threw it at him and hit him in the head.

That was all he needed. He started picking her up and throwing her all over. He might just as well have been Joe Bob Sears, except he really wasn't hitting her, just slapping her, picking her up and pushing her down. She wasn't really scared. She knew she was in trouble and yet she felt no fear. Which was interesting, cause she also had a feeling that he was putting no limit on what he was yet going to do. ~~But~~

~~way had the idea she could kind of handle Barrett physically if it came to it, at least on past occasions. I thought she probably would had to put up with it. Barrett was awful strong in his anger.~~ She didn't even bother to hit him back. It seemed like forever he was throwing her around ~~and~~ hitting her. ~~while~~

Then somebody came to the door. It was Sue Baker, ~~and~~ she had left her baby with Nicole and hadn't been planning to come by. ~~She was taking the night off. But she happened to drive by in the course of being with some guy, and saw Nicole's light on, thought that unusual, so had come up to see what was going on.~~ ~~Well, Jim told them both to get the hell out of there, her and her boyfriend, get lost. Sue didn't say a word, just left, and Nicole knew she was going to call the police.~~ Barrett

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She did, and they got there pretty fast. When they showed at the door, Barrett hid in the hallway--it was like the movies. He was motioning to Nicole not to let them know he was there, threatening gestures, like you fucking well better not let them know. But Nicole just opened the door and said, "Will you get this mother out of here?"

The cops walked in and asked what was going on and Barrett said nothing. Nicole said, "Nothing, my ass!" She said, "That motherfucker's been knocking me around for the last hour. Excuse my language, officer, but he's been terrible." They handcuffed him, and read him his rights, and took him away. About that time, she began to realize they were arresting him for something else, which is why they had a warrant with them. Barrett spent the night in jail.

Only when the police were gone, did she realize how crazy she had been. It was after they had handcuffed him. One of the cops had gone down to his car to answer the patrol radio and the other had turned his back. She saw a knife on the kitchen sink and there was one moment when she wanted to cut Barrett's throat, zip, right where he was sitting handcuffed. Quick as that. They could have given her a jail cell right next to Gary.

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After he got out of jail, Barrett sold her car. It was logical to him. He needed some money for his legal problems, and Nicole had ripped him off for a lot more than money. So ~~he sold the transmission to a neighbor and took her Mustang over to a wrecking yard in Marlston, signed a bill of sale. It was all done.~~ Nicole would never have her car again.

Now, that she was permanently without wheels Nicole could wish she had killed him. Now, she would even have to hitchhike with the kids when she wanted to leave them at somebody's house. She decided she was going over to Barrett's and smash the windshield of his ~~vehicle~~ ^{truck}.

It was a cool August night and she put on a jacket with baggy sleeves and stood outside his motel room with a borrowed hammer, feeling crazy inside. Even with two Valiums, strong ones, to mellow her out, she would get crazy inside every time she would think about Barrett attacking her, and then selling her car. She stood there, in the dark for a long time waiting for the Valiums to mellow her out, but they didn't. She thought about putting dirt in his gas tank or going to work on the windshield, but she knew the first noise she'd make, he would

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hear, and she would be able to do no more damage. He was in there, and his truck was parked just outside his door.

She thought she'd try a different approach and walked up, and through a locked screen door, said, "I want to talk to you, Barrett." He wouldn't open the screen, however. She tried, and it was locked. He was cooking a steak, which she could smell, and she said, "Come on out, I want to talk to you," and he kind of laughed a little. "No," he said, "Talk to me here." "I'd rather," Nicole said, "you come outside." He laughed again a little bit and said, "I don't know, Nicole, I don't trust you. You got a strange look." Then a friend of his came up, and Barrett felt a little more safe, cause he opened the door and said, "Come on in." At that point, Nicole decided to have it out just on the basis of the money. "You owe me for my car," she said. They started talking about it, and he said he couldn't believe he had done it, it was a wrong thing to do. He didn't have the right.

She wasn't going to buy too much of that. She didn't scream, but she did threaten him in a nice quiet way. She said, "Barrett, you screwed me up pretty bad this time. I'm tired of messing around. I want money so I can get me another car. You owe me \$125."

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"There's no way," said Barrett, "I'm going to come up with that much." He paused, though, and said, "I can get you sixty tomorrow, forty a few days after."

She left; she believed him. In fact, he came by the next day with twenty dollars and told her that was all he had. Nicole was really rude to him, said, "I'm not playing your games, I want the rest of my money." Finally he came with another sixty, and that was about it. He just trailed off, like with everything else. She had no wheels and finally had to spend the hundred for other things. Food. Rent.

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3

Gary received a letter from a woman in Oregon who wrote that she was 29 years old, divorced, five feet six inches tall, a little on the plump side and could probably stand to lose about 10 to look just right. She then wrote, "Please feel free to ask me anything that is on your mind, because I am quite broad minded, and nothing will shock me either. I am a red-blooded American female, and definitely enjoy it too, and of course, I like sex, attention, a lot of affection, and like to do just about anything that is connected with the opposite sex for sure!" Gary sent the letter on to Nicole who wrote him back right away to tell him it was like a slap in the face.

She couldn't believe how angry she became at this woman^a. It gave Nicole a clue. Underneath all the bullshit of how much she loved Gary, she was really crazy about him. She had never felt jealousy like this for another man. It was so bad, she decided she had to see him right that minute.

Only it was a bummer. Hitchhiking over to the nuthouse. The whole day got lost. First, she couldn't find a sitter for the

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kids, and had to run around and when she finally got a ride to the hospital, they told her he had been taken back to the jail that very morning. It wouldn't be visiting day over there either. She wouldn't see him. Nicole wanted so much to hear his voice that she walked all the way across town from the nuthouse to the jail and when she arrived, she stood by the wire fence in back, and hollered, "Gary Gilmore, can you hear me!" She shouted it as loud as she could. Just about, she heard a voice yell back, "Yeah, babe."

"YEAH!" she cried out.

Then she screamed for all the world to hear, "Gary Gilmore, I love you!"

A cop came around the building and told her she'd have to leave because she could be arrested for doing something like that. It surprised her. She didn't know they could keep you from expressing yourself that way. She hollered out to Gary that she had to go, and left. But she felt a whole lot better.

. August 20

Hey baby the most beautiful thing just happened to me. I just heard a magic elf's voice holler: "Gary Gilmore, can you hear me? I love you!" Well I love you too! Boy, oh boy, do

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I love you! Nicole--you amaze me. You are absolutely wonderful. I just don't have words to say how great you make me feel. You make me cry happy tears.

Sat. Aug. 21

The jailer just brought me your letter. Made me feel real good! I love you, darlin. No, you didn't get me in any trouble when you called my name last night. Don't worry about that--do it every time you get the chance, I love to hear your voice and I love to know you are near.

I went to sleep for awhile this afternoon and I woke up feeling that clear cold thing that I hate so much. It's more than a feeling--it's a sort of knowledge. Like a total awareness of being in a box and it's bright daylight outside and the whole world is going on without me.

August 24

What will I meet when I die? The Oldness? Vengeful ghosts? A dark gulf? Will my spirit be flung about the universe faster than thought? Will I be judged and sentenced, as so many churches would have us believe? Will I be called to and clutched at by lost spirits? Will there be nothing?...just an end? . . . I can't even picture the concept of nothing--I don't think that "nothing" exists. There is no such thing as "nothing." There is always something--some energy. But how long a journey is death? Is it instantaneous? Does it take minutes, hours,

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weeks? What dies first--the body of course--but then does the personality slowly dissolve? Are there different levels of death--some darker and heavier than others, some brighter and lighter, some more and some less material?

Nicole, I believe we always have a choice. And I choose, that when I die, or change form, or whatever best describes this thing called death, I choose that I wait for you, that I meet you, that I find you--the part of my heart and soul I have sought for so long--the only real love I've ever known. Then we will know. We'll know everything that we know now but can't consciously recall.

You said that girl's letter was like a slap in the face-- Baby, Baby, I didn't mean anything like that when I gave it to you! I just thought I'd let you read it. Guess I wasn't thinking, huh?! I'm not gonna write to her. You're the only girl in my life Angel. I wouldn't take a thousand girls for you.

August 25

Maybe when you get your next check you could get me a couple things, okay? What I would like to have is a couple "Flair" felt tip pens, one brown and one blue with fine points-- and a fairly decent watercolor brush: a Grumbacher Sable Round

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No. 5 watercolor--and a decent pad of paper. If you can't afford it, it's okay honey, 'cause I know they don't give you much on that fuckin welfare and I don't want you to be broke again like you was this month.

I got into a search for Truth real heavily at one time. I was looking for a Truth that was very rigid, unbending, a single straight line that excluded everything but itself. A simple Truth, plain, unadorned. I was never quite satisfied. I found many truths though. Courage is a Truth. Overcoming fear is a Truth. Honesty, not lying to yourself, is a Truth. Keeping a promise is a Truth. It would be too simple to say that God is Truth. God is that and much, much more. I found these Truths, and others. . .

I found a lot of Truths. But I was still hungry--and it's true that hunger teaches many things. So I kept looking. And one day I was fortunate. I looked into your eyes and I found what had been eluding me for so long. I saw a simple, quiet Truth, a profound, deep, and personal Truth of beauty and love.

Some nights it would come down on Nicole as she lay in bed and she would know what an expression like "horrible loss" was about. It was about throwing away the most valuable thing in your life. It was knowing that you had to live next to

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something that felt larger than your own life, as in this case, knowing Gary was going to die.

She began to think there was not ever a minute when she stopped loving him, not for a minute. There wasn't a minute of her day in which her guy was not in her mind, and that she liked. She liked what was inside of her. But it was spooky. She would take in a breath and recognize that she was falling more and more in love with a guy who was going to be dead.

One night Tom Dynamite came over, but she couldn't bring herself to sleep with him. That surprised her. Sex had nothing to do with Gary. It was just that this night she had been thinking about him so hard that she didn't want to separate herself from the pleasure of thinking about him, so, somehow, she got Tom to sleep on the floor next to the couch where Nicole always lay down, and she even put her hand on Tom's shoulder in gratitude while they slept. He left in the morning without waking her.

When she opened her eyes she remembered that as she went to sleep, she had decided she was going to kill herself in the morning. She awoke with the same thought.

(E11)

Sat as quietly in her as a bird not moving in its nest.

If she died first, Gary had written, he would be with her. She didn't know where she would be then, or what else might happen, but she would be with him. The moment he followed her, his love would be so strong that she would be attracted to him like a magnet. She believed that she remembered the magnet pulling her to him in the jail.

She didn't have any decent razor blades in the house and she considered going next door and borrowing one, but thought that might be too suspicious. So she broke open a daisy shaver, a kind of disposable plastic razor, cracked it with a steak knife and got the blade loose. Then she taped the back, wrapped it in some notebook paper, and put it in her bra. She thought if she didn't move around too much it would be safe in there and not cut her in the breast. Before she left, she took the kids over to a friend's house, and felt strange leaving them. It was odd how she said goodbye to them. She wasn't sure it felt like that, and set out to hitch-hike to the jail. A couple of guys picked her up.

One was an ex-con, and he was really foulmouthed. And kinda cute. He talked real rough, sort of mean, kept asking

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her if she wasn't worried that he and his buddy would take her up in the mountains, rape her, cut her throat. Nicole wasn't worried at all. She couldn't even laugh about it, but she wasn't worried, it didn't bother her. Actually, she did kind of laugh at them for talking like that. Here she had this razor blade in her bra, all set to take care of the job herself.

Anyway, they dropped her off by the jail without further ado. Of course, they had to make a few smart-ass remarks about Gary. That came out when she told them she was going to visit her boyfriend, and the ex-con recognized the name, and said, "Well, he's going to get a little lead poisoning." That cracked Nicole up. She didn't feel bad laughing about Gary. She knew he would have laughed over it too. That was a funny line.

She went over to the back of the jail and hollered a couple of times and somebody else answered her first and said Gary was in another cell. Then she finally heard him, so faintly, trying to holler back. The cops came and threatened to arrest her. Of course, she didn't give a fuck. She was thinking that they'd put her in a cell but since they didn't have any female cops in the joint, they couldn't shake her down. She had the razor blade in a pretty good place.

They took her around to the front and kept her inside the jail for a half hour, and she acted like a smart-ass and was really

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foul-mouthed, made herself right at home, using the floor for an ashtray, laughing at their threats, she didn't give a shit. They could let her go, or lock her up.

After a while, they let her go, and on her way out she noticed a small cement tunnel that went under the freeway. Something you couldn't even see from the street, that is, you could see the entrance of it, but dark enough so you couldn't see down it. It was just a few feet in diameter. She crawled in, and it was sure dark, and she sat there a few minutes more. Her sleeves were rolled up over her biceps, but she pulled them up further, and then she cut herself as hard as she could right across the vein and the artery. It was a good feeling. Felt really warm, really bleeding and splashing on the cement. She could feel the blood running down her arm and it was hot, and it felt good. She liked the way it felt, kind of soothing. There was so much going on. Like the ocean was running down the beach. She could see an opening in the tunnel where she had come in, and all the light she could see in the world was in the circle of that hole.

She sat there as long as she could, and the nice warm feeling changed after a while and she began getting sick. Then she was nauseated. Started shaking all over. She wasn't cold

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but she was shaking. There was blood all over the cement and Nicole got scared. Every nice long slow thought had faded. Now, she didn't feel as if she was slipping into something warm, but rather as if it was getting colder all the time. She didn't like that. She got scared, then she got very scared. But she made herself sit. She even made herself lie down and try to go to sleep. Then she just tried to talk herself into not moving, just staying there until it was over.

Finally, she thought, I got to get to a doctor. At least, I got to try. That's the best I can do, is at least give it a good try. Then I can handle dying.

She got up, and of course, she couldn't even walk straight, and kept feeling she was going to pass out. She would walk a few steps, and spots would come in front of her eyes, and she'd squat. It was just a little way from the jail, and she walked back over, and there was a guy washing a truck, a cop who wasn't in uniform. She told him she'd slipped climbing over a chain-link fence, showed him how her shirt was kind of bloody. He took her down to the Utah Valley Hospital, but she didn't even stay overnight, just long enough to get it sewed up. The doctor didn't believe her shit about climbing a fence. He said, looks like a pretty sharp thing did the job. Asked her how much she bled, was it a pint or a quart. She said, well, she didn't know

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what a pint or a quart was. They took her blood pressure, and she began to feel better, and hitch-hiked home. By the time she got back, she was sick to her stomach again, couldn't really stand up without getting dizzy. She slept a lot that evening.

4

After Nicole had finished sassing everyone in the prison, ~~skewiff~~ Cahoon got a little tired of the situation and decided to stop her visits.

August 29

Fucked me up that I couldn't see you today--these chicken-shit pricks. Give a motherfucker a little authority and they think they have to start taking privileges away from people. . . bunch of slack-jawed jizz-gurgling come-drunk punks.

Makes me a mite mad, mama. I'd rather they took my mattress than my visits.

Jesus Jesus Jesus, Mary, and Joseph. What the fuck are the jails coming to?

Just sitting and wondering and remembering. Breathing stale air.

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Nicole went to bed with Cliff Bonners the night after she got home from the hospital. Her arm was stitched and bandaged up and it hurt like hell. She remembered thinking all the time she was making love that if she didn't watch out it would start bleeding again. The night after, she found herself in bed with Tom Dynamite. The same damned thing. Her arm hurt like a fucker, and it got to her. She had to stop making love. Sometimes she was convinced Gary could practically hear her think. It wasn't that she thought it was right or wrong to be doing this with Gary in jail, it's just that it came over her for the first time that it might be peculiar to be in love with a man and still be making it with guys on the outside. She had never experienced this feeling before. That it was important to be faithful. It was something she had to ponder.

*Don't cut
up here
don't
let
go*

~~She finally decided to test the water and wrote a letter to Gary where she ridiculed Kip. He had dropped in on her right out of the blue shortly after Gary was put in jail, and he had started to act like an asshole. He had changed so much, she told Gary in the letter, that she couldn't believe it. Kip had become a Mormon. Now he would do anything, absolutely anything, but fuck her. He would get naked and play with her, but he~~

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*Don't out
where
don't go.*

~~wouldn't go to bed. It was like he had become the cock teaser,
not her. That was really freaky.~~

~~One morning, for instance, Kip went to church, an LDS church
he'd never been to in his life before, right down the street,
and he came back all dressed up in his Sunday pants, all fired
up with religion. He was planning to go to the evening services
but she started fooling around with him. Before she was done
she made Kip cream his pants. That messed him up. The pants
were so wrinkled and wet, he couldn't go to church.~~

~~Well, she thought it was funny, made a crack about it to
Gary in a letter. She wanted to see what sort of reaction she
would get about something that happened a month ago, but there
was none. He simply ignored it.~~

Sheriff

^ Cahoon wasn't surprised when Gary asked if he could come out and talk ~~to him~~. Cahoon even took him into the front room and they sat by the desk and went over the situation. Had a nice friendly conversation. Gary said he agreed with Sheriff Cahoon on the way this place should be run and he wanted to come to some agreements on what was expected from him and Nicole. Well, said Cahoon, he wanted Gary's lady to come and act lady-like, not create ~~me~~ problems. But decently dressed. When he saw the spark in Gary's eye he remarked that of course, her

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dress wasn't that far out. Her attitude was creating the problem. Gary agreed they could come to an understanding. Cahoon said they were having a good one, and he would permit Gary a phone call to Brenda to notify Nicole that she was reinstated.

On the next visit, she told Gary about cutting herself in the underpass and how she realized she was scared of dying. She had tried and she couldn't do it. He told her it was very hard to bleed to death. He went on to explain that getting sick happened to most people who tried it. He had tried it himself. It was one of the hard ways to die. She asked him if he had ever cut his wrists, because he certainly had scars on his arms, and he told her a group of his friends and himself had once all cut their arms in Isolation at Oregon. She had a bandage on, but he finally asked her to pull up her sleeve and show him the stiches. Then said, "That's a fucking deep cut," and the tone went through her like praise, as if he had said, "Baby, you did that for me."

~~He never did mention Rip~~

~~After he had agreed to the visits, Cahoon got concerned all over again. It was because Gilmore and his girlfriend were having the damndest correspondence. One communication actually,~~

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talked about how she cut her arm until she could feel the main blood dripping and hear it make a puddle on the ground. The guard who brought the letter to Sheriff Cahoon said, "What kind of message is this to be writing to a guy on first degree murder?"

In this letter, Nicole kept talking about the silver sword and life after death, and how they would have a better kind of life with the silver sword. She wrote about going up to the spot where she had been bleeding and the rain had washed most of the blood away. Since she was always bringing him books, one of them got inspected by Cahoon and it was all about the hereafter. How to get jubilant on the religious bit.

It made them all so nervous that next visit when a new officer was watching the visitors and Nicole turned around from talking to Gary and went to reach behind her into the purse she'd left on a chair, just looking for a cigarette, the guy was so jumpy he actually grabbed her wrist. It was that silver sword she kept talking about.

Cahoon was debating whether to stop her visits again, but she missed the next one, and her letters stopped coming as well.

Right after that sweet visit where Gary complimented her on the guts it took to cut her arm the way she did, Nicole wrote a long, loving letter to Gary, she also wrote how pointless

→ At the end of it she also

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wrote how pointless

^ it was that she spent so much time--and she wrote it right out--"either getting drunk, or getting fucked." ~~She sent him this letter right after the sweet visit where Gary complimented her on the guts it took to cut her and the way she did. She wrote the letter anyway.~~

She wanted to know if her activities didn't matter, or if he might even think of them as natural. Or wasn't it right at all? Maybe that was one reason she cut her wrist. She had sure gotten unhappy with herself during this time.

September 5

I just read your letter. It's a long and beautiful letter and full of love. But when I read on page 5 where you said "it's such an ugly thing to do. I spend so much time either getting drunk or getting fucked." I felt like I had been hit or something--a cold numbness moved thru me and I couldn't go on reading the letter for a few minutes. Nicole, don't ever tell me anything like that again unless you want to hurt me. I don't want anybody to fuck you and I try not to think of that --I do pretty good until you write and tell me that you spend so much time getting fucked.

The words of his letter kept ringing in her head. That was the only word, "ringing". She felt as if somebody had really

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socked her right on the side of her head. She could hear his voice in her brain and it spoke in a terrible passion, as if he was capable of biting with his teeth clear through his tongue. He didn't want her ever to fuck anyone again. He didn't want to have those thoughts in his head. "Everybody fucks Nicole," said his voice. "Don't fuck those cocksuckers. It makes me want to commit murder again. If I feel like murder it doesn't necessarily matter who gets murdered--don't you know that about me?" Way inside was a part of her felt extra loving because it was that important to him.

After all, it had never been important to her. It was easier to let things happen than tell a guy to leave her alone. It was kind of a relief now to have a reason to say no. Of course, it wasn't that easy to turn away Cliff or Tom Dynamite. She would explain, "I'm not here with you anymore when I'm messing around. I'm with somebody else." They understood, Cliff particularly. That didn't keep them from trying to get it on. She still needed company.

Once or twice it was really hard on her to tell them to go home. Besides other people kept dropping over right out of the past. Fellows that she used to see maybe once every few weeks, or every now and then came in. It wasn't that she couldn't say no, it was that they were expecting it to be like the last time.

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She didn't want to stand in front of them and scream, "Get out of my life." They hadn't done her any harm.

She had to figure it out in her own head. So she didn't visit the jail or write. She wanted to wait until she could finally tell him that she loved him enough to be able to break through her fucking habit.

Gary was so quiet in his cell over the next few days that it got unusual. Cabron decided he was writing the article and needed copying so he moved over a prisoner named Gilmore from the main block. Figuring they had both done the work, jail time, they might get along. If not, he would always send Gilmore back where he came from.

Cabron noticed that even as he shot the bars, they started talking to each other in jail talk. It was that gibberish talk he would never exactly learn, where you use a word like "fiver" if you want to say nipper. Gary on a whole conversation to speak the other fellow how many years you had put in. Cabron had a little, but didn't try to get it all. If they paid lady from Bristol, that wasn't pistol, and Cabron would have to get concerned, but Gilmore was just talking of cats and dogs, and they were alone. "Yeah," said Gilmore to Gilmore, "A nice place to go with my floss and ents."

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IV :

~~CHAPTER FOUR~~

GEELMORE AND GEEBS

1

Gary was so quiet in his cell over the next few days that it got ominous. Cahoon decided he was getting too morbid and needed company so he moved over a prisoner named Gibbs from the main tank. Figuring they had both done so much jail time, they might get along. If not, he could always send Gibbs back where he came from.

Cahoon noticed that soon as he shut the bars, they started talking to each other in jail talk. It was that gibberish talk he could never exactly learn, where you use a word like figger if you want to say nigger. Carry on a whole conversation to show the other fellow how many years you had put in. Cahoon got a little, but didn't try to get it all. If they said lady from Bristol, that meant pistol, and Cahoon would have to get concerned, but Gilmore was just talking of ones and twos, and they were shoes. "Yeah," said Gilmore to Gibbs, "A nice pair to go with my fleas and ants."

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"Do you still got to think," said Gibbs, "of your bunny and boat?"

"Fuck the goat," said Gilmore, "let me walk in with a dickery dick."

"That's right, it could attract the chick."

Cahoon gave up. They were just doing time. He thought they could make a cute couple. Both had Fu Manchu goatees. It was just that Gilmore was a lot bigger than Gibbs. Like cat and mouse. Hell, like cat and rat.

There were only three things in the world Gibbs could honestly say he had any feeling for: children, kittens, and money. Been on his own since he had been 14. When he was 17, he wrote and cashed \$17,000 worth of checks in a month and bought himself a new car. Always had new cars.

By the time he was 14, Gilmore said, he'd broken into 50 houses. Maybe more.

First time Gibbs went to prison out here, he was behind a 2-1/2 million dollar forgery. He took, Gibbs said, 21 counts. Next time he went back was when he blew up a cop's car in Salt Lake, Captain Haywood's car.

Gave him 15 years when he was 22, Gilmore said. Did them at Oregon and Marion. Gibbs nodded. Marion had the credentials.

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Flattened eleven years consecutively, Gilmore told him. Probably four years altogether in solitary. Gilmore had real pedigree.

He was in now for rubber rafts, Gibbs told him. Stole forty of them in 2 weeks out of J.C. Penneys in Utah Valley, Salt Lake Valley, \$139 a piece. Chain saws same way. Make 2 or 3 hundred bucks a day. Just couldn't manage his money, that's all.

My problem, too, allowed Gilmore. He had also done a little boosting at J.C. Penney's.

"Yeah," said Gibbs, "the only difference between you and me is when I do it, I have shoulder men. Two bruisers run interference. If they come after me, the big boys say, "What are you chasing this guy for?"

Gibbs could recognize that Gilmore didn't know any heavies out of Salt Lake. Didn't know the Babaro brothers, Len Rails, Ron Clout, Mardu, or Gus Latagapolos. "You're talking heavies, then, " said Gibbs. "All six are Mr. Utahs, chauffeurs, Teamsters."

Gilmore spoke of the Aryan Brotherhood and his connections there. Gibbs could recognize some heavy names out of Oregon

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and Atlanta, Leavenworth and Marion. Not legends, but still heavies. Gilmore carried himself like he was well-regarded. Of course, Murder One gives a man standing. When they ask you, "What do you get for killing?" the answer is "self-satisfaction." Clears the mind a little bit.

His particular ring, Gibbs told Gilmore, had been outboard motors, inboard motors, house trailers, and trailer homes. Not afraid to be seen carrying the stuff. They had their first laugh over this. "Half a million dollars worth of stuff," said Gibbs.

"If you get out before me," said Gilmore, "can you bring me back some hacksaw blades?"

"Anybody would, I probably would," said Gibbs. In fact, thought Gibbs, he might. He had as much loyalty in one direction as in exactly the other. He was the man in the old saying, "You got blue eyes, one blue north, one blue south." Except it was Gilmore had the blue eyes. He liked Gilmore. Style and a lot of class.

"Hey," said Gilmore, "if you could figure a way to get me out of here, I'd pull any job you want. Just keep enough money for me and my old lady to leave the country, and I'll give you the rest."

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"If I wanted out of this jail," said Gibbs, "I'd have people come take me out."

"Well, around here, I don't know people like that," said Gilmore.

"If anybody would, I would," repeated Gibbs.

The cell they were in was divided into two parts, a small dining area with a table and benches, and to the back, away from the bars, a toilet, a sink, a shower, and six bunks. On the other side of the bars was a corridor that led to the next tank, which was used as the women's cell. When no women were there, it was kept as a drunk tank. That first night, they had a drunk next door who kept yelling for the jailer.

Finally Gilmore answered as if he were the jailer. "What do you want?" he bellowed. The drunk said he had to make a phone call. Had to get bond. Gilmore told him he had no bond, not until he went before a judge. Why, the little boy he had hit in the trailer court, died. What little boy, said the drunk? Those are your charges: drunk driving, auto homicide, hit and run. Gibbs loved it. The drunk believed Gilmore. Spent the rest of the night crying to himself, instead of yelling for the jailer. Which gave something to laugh about for the rest of the night.

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Gilmore began to do his exercises. That was something, he told Gibbs, he did every night. Had to, in order to tire himself out enough to get a little sleep.

He did a hundred sit ups, took a break, then did jumping jacks, clapping his hands over his head. Gibbs laid on his bunk and smoked and lost count. Gilmore must have done two or three hundred. Then he took another break and tried pushing-ups but he could only get to twenty-five. His left hand where he shot himself was still weak, he explained.

Then he stood on his head for ten minutes. What's the purpose of that, asked Gibbs. Oh, said Gilmore, it gets the blood circulating in your head, good for your hair. He wanted, Gilmore added, to try to keep as much youthfulness in appearance as possible. Gibbs nodded. Every con he knew, including himself, had a complex about age. What the hell, the youthful years were all lost. "My personal opinion," Gibbs said, "is that you are a young looking person for 35. I am five years younger, and look five years older than you."

"It's your coffin-nails," said Gilmore, sniffing the smoke. He had picked a top bunk as far away as possible from Gibbs, who was sleeping in the bottom bed across.

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"You don't smoke?" said Gibbs.

"I don't believe in supporting any habit you have to pay for," said Gary. "Not if you spend your time in lock-up. They had a cell in isolation they named after me."

The drunk in the next tank was whimpering piteously. Gilmore said, "Yeah, the Gary M. Gilmore Memorial Room," and they both laughed. Listening to the drunk cry was as comfortable as lying in bed on a summer night while hearing trees rustle. Yes, Gilmore told him, he had put in so much time in segregation that he almost never earned money from a prison job. And there sure wasn't money coming in from outside. Any little luxuries allowed in the can, he had learned to do without. "Besides," he said, "smoking is bad for your health."

Speaking of health, Gilmore added, he expected the death sentence.

"A good lawyer could get you Second Degree. They parole second degree in Utah in six years. Six years, you'll be on the street."

"I can't afford a good lawyer," said Gilmore. "The state pays for my lawyers. My lawyers work for the same state that is going to sentence me." He looked down at Gibbs from his bunk and said, "They keep taking me over to the hospital to be interviewed by psychiatrists. Shit, they come up with the

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stupidest questions. Why, they ask, did I park my car to the side of the gas station? 'If I parked in front,' I said to them, 'you'd ask me why I didn't park to the side.'" He snorted at that. "I could put on an act for them, have them saying, 'Yeah, he's crazy,' but I won't. I'm not going to show myself as crazy," said Gary.

Gibbs understood. That offended a true man's idea of class.

"I am telling them that the killings were unreal. That I saw everything through a veil of water." Now the drunk was moaning. "'It was like I was in a movie' I say to them, 'and I couldn't stop the movie.'"

"Is that how it came down?" asked Gibbs.

"Shit, no," said Gilmore. "I walked in on Benny Bushnell and I said to that fat son of a bitch, 'Your money, son, and your life.'"

They both cackled. It was funny as hell. Right there in the middle of the night, in this hot fucking two-bit asshole jail, with the drunk slobbering in his shit and counting his sins, they couldn't stop laughing. "Pipe down in there," said Gilmore to the drunk. "Save your crying for the judge." The drunk was one misery. Like a puppy first night in a new home. "Hell," said Gilmore, "the morning after I killed Jensen, I

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called up the gas station and asked them if they had any job openings." Again they cackled.

Gilmore, tonight, would cut off his arm if he could make a good joke about it. He'd cut off his head and hand it to you, if his mouth would spit nails. "What's your last best request when they're hanging you?" he asked, and answered, "Use a rubber rope." Pretended to be bouncing on the end of the rope, his face in a grimace, and said, "Guess I'll be hanging around here for a while."

Gibbs thought he'd piss his pants. "What," asked Gilmore, "is your last request if they put you in the gas chamber?" He waited. Gibbs wheezed. "Why," Gilmore said, "ask them to use laughing gas."

"That is enough," said Gibbs, "to choke you up."

~~For that matter, he was almost choking on his own phlegm. Coughing gave him a dozen oysters to cough up every meal. He~~
~~was the kid with the phlegm pot.~~ ^{# Gilmore} Gilmore asked, "What do you say to the firing squad?"

"I," said Gibbs, "ask them for a bullet proof vest." They laughed back and forth like an animal going in circles and getting weak. "Yeah," said Gibbs, "I heard that one."

Gilmore had a quality Gibbs could recognize. He accomodated

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to people. Gibbs believed he, himself, could always get near somebody--just use the side that was like them. Gilmore did the same. Around each other tonight, they were like boiler-plated farts. Filthy devils.

He only had to think this, and Gilmore was ready to change. "Hey," he said to Gibbs, "they're going to give me the death penalty, but I've got a trick for them. I'm going to check into the State of Utah's hole card. I'm going to make them do it. Then we'll see if they have as many guts as I do."

Gibbs couldn't decide if the guy was a bullshitter. Gibbs couldn't visualize doing something like that.

"Yes," said Gilmore, "I'm going to ask them to do it without me wearing a hood. Do it at night if it's outside, or in a dark room with tracer bullets. That way I can see those babies coming!" The drunk was screaming, "I didn't mean to kill the boy, oh judge, I'll cut off my arms and never drive again before I would kill a little boy."

"Knock it off," shouted Gilmore.

Yeah, he said to Gibbs, the only legitimate fear a man in his position could have while facing the firing squad was that one of the marksmen might be a friend or relative of one of the victims. "Then," said Gilmore, "they might shoot at my head."

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I don't like that. I have perfect 20-20, and I want to donate my eyes."

This guy was a roulette wheel, decided Gibbs. Just depended which number came up. "I've made a lot of mistakes in my life," said Gilmore from the upper bunk, "and a great many errors in judgment the last couple of months, but this I will say, Gibbs. I am in my element now. I have never misjudged a person who has done time."

"I hope you got a favorable impression of me."

"I believe you are a good convict," said Gilmore.

On that high praise, no higher praise, they went to sleep. It was three in the morning. They would bullshit until three every morning.

2

Sept. 9

I'm not a weak man. I've never been a punk, I've never been a rat, I've always fought-I ain't the toughest son of a bitch around but I've always stood up and been counted among the men. I've done a few things that would make a lot of motherfuckers tremble and I've endured some shit that nobody should

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have to go thru. But what I want you to understand, little girl, is that you hold my heart and along with my heart I guess you have the power to crush me or destroy me. Please don't. I have no defense for what I feel for you.

I can't share you with any other man or men Nicole. I'd rather be dead and burning in some hell than have any other man be with you.

I can't share you--I want all of you--

I have to go without fucking, you can too. Sorry to be crude but that's true. We love each other and belong to each other let's don't ever hurt each other Nicole lets don't ever hurt each other.

This pain paralyzes me. I keep thinking of you being with somebody. I can't help it. I have to chase the ugly pictures out of my mind. I don't want anybody to kiss you or hold you or fuck you. You're mine I love you.

You said on the last page of your letter that I will not have reason to hurt that way ever again--that you will stop. this is truth, you said. Jesus Christ--I'm 35 fucking years old been locked up more than half my life. I should be a tough son of a bitch, all the things that have happened to me.

But I can't take being away from you--I miss you every minute.

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And I cannot stand the thought of some man holding your
naked body and watching your eyes roll back sleeping in your
arms.

I can't share you--I won't. You've got to be all mine.
I don't care that you say you have this crazy heart that won't
let you refuse any request to make another happy. I have a
crazy heart too. And my crazy heart makes a request of your
crazy heart--don't refuse my request to be only mine in heart
mind soul and body. Let me be the next and only man to have
you.

God I want you baby baby baby
fuck only me

don't fuck anybody else dont dont it kills me dont kill me

Am I demanding too much??

Write and tell me--

--Nicole life is short--live it for us for me and you.
Be completely mine.

I said I might leave you--I would never walk away or turn
my back on you--but I might--I don't know Nicole--leave. . .

Can I have it like I want with you? Can I have all of
you?

Thats the only way I can have it

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TELL ME

TELL ME

G O D D A M N I T

T E L L M E

Fuck shit piss God Nicole

Tell me.

Oh baby, if I could hold you now if I could look into
your startingly amazing eyes--those eyes do it all to me.

Nicole.

Christ-----

Wednesday and Sunday are too far apart-----why don't
you write me more!?

Nicole don't be with anybody else
dont dont dont dont

d o n t

Im really fucking this letter up

I've got to come to a conclusion and this is it. I've got
to have all of you! With nobody can I share you. I love you.

I LOVE YOU

I LOVE YOU

I LOVE YOU

I L O V E Y O U

No, I aint drunk or loaded or nothing this is just me
writing this letter that lacks beauty-just me Gary Gilmore
thief and murderer. Crazy Gary. Who will one day have a
dream that he was a guy named GARY in 20th century America and
that there was something very wrong. . . but what was it and

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is it why things are so super shitty, to the max, as they used to say in 20th century Spanish Fork. And he'll remember that there was something very beautiful too in that long ago Mormon mountain Empire and he'll begin to dream of a dark red haired sort of green eyed elfin fox whose eyes rolled back and could swallow all of his cock and who laughed and cried with him and didn't care that his teeth were fucked up forever and who taught him how to fuck girls again instead of his hand and pictures in Playboy.

Next night, they put a girl in the same tank where the drunk had been. She was also crying and Gary hollered over, hey, sister, it can't be all that bad, and she immediately quieted down.

A few minutes, Gary found out her name was Connie, and when she inquired if he had a cigarette, Gibbs slid a pack down the hallway to her cell and Connie thanked them.

They kept trying to talk but you had to holler loud, so Gary wrote a note and slid it over. Told her he was rather handsome, liked young girls, western music, and yodeling. Especially, he liked to yodel. She wrote back that she'd seen

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his picture in the newspaper and agreed he was good-looking. Thanked him for being kind, and asked him to yodel.

"Well, Tex," said Gibbs, "crank up." Gary could no more yodel than Gibbs could knit. So Gary just hollered over shucks he was lying, couldn't oo-lay, oo-lay-oo to save his butt. All three began to laugh. It was a good night sending notes back and forth. In the morning, she got out. Gary's depression was back.

September 11

I could not sleep for the third nite running. Somethings happening to me. I dozed briefly last nite and awoke in the middle of a dream about a severed head. I can hear the tumbrel wheels creaking again and the swift slide of the blade--in my dream I was being interviewed by a female Mont Court parole officeress or whatever, dreams take their own course, and pretty soon a doctor or the male Mont Court, or somebody, came back.

I've told you that I haven't slept lately--the ghosts have descended and set upon me with a force I didn't believe they possessed. I smack 'em down but they sneak back and climb in

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months I endured a constant onslaught of demon fury-----

ooooooooooooooooooooH!

Left me drained and 50 pounds lighter but stronger than
they will ever be.

they like it when I hurt

And I have been burning lately

I hate to say it but in the last week they almost got me
they came the closest they ever have and that they ever will.

Gibbs had a habit of waking up in the middle of the night for a cigarette. Right in the middle of the night for a cigarette. Right in the middle of this bad depression Gary had got into, Gibbs woke up in the wee hours, lit a straight and lay back down to do some quiet thinking about his private situation. All of a sudden he heard Gary say, "You actually did it, didn't you, Gibbs?" He replied carefully, "Did what?" Gary said, "You actually lit that motherfucker, didn't you?"

In the morning Gary said, "You talk in your sleep, Gibbs. You say a few words and then you start playing with your teeth. Sounds like you got a dice game going on down there at night." Gibbs got a little paranoid about it. He wasn't altogether happy at the idea of talking in his sleep. If he said the wrong thing, Gilmore might decide to separate his heart from his lungs.

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All that day, Gary's depression got worse, and the next night about three A.M. when Gibbs woke up again to have a smoke, Gary said, "Are you awake?" Gibbs replied, "I think so. I'm not sure," made a point of trying to laugh even though he was gasping and coughing. "You going to be all night, man?" asked Gilmore, "need an iron lung maybe?"

Gibbs was silent. He was just trying to control his wheezes. Out of the silence, Gilmore said, "In the morning, we'll tell the guard we can't get along. That way he'll move one of us."

"Oh, yeah?" said Gibbs.

"Yeah," said Gilmore, "I think I'm going to hang it up. If I do, you're better off out of here. They might just try to drop a murder rap on you." He nodded. "They're going to be a ~~note~~ ~~night~~ disappointed if they don't receive the self-satisfaction of trying me on my two hot ones."

Now Gibbs nodded. "If that's what you want," he said, "well, I'll go so far as spitting at the guard or throwing something, and go to the hole." "Yeah," said Gary, "I appreciate that. I really might have to ask you to leave tomorrow."

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"Yeah," said Gibbs, "I'll do it."

In the morning, however, Gilmore said to hold off. He wanted to see if any word would come from Nicole that day. In the afternoon, sure enough, a letter did arrive. He read it and said, "Never mind. I've decided to wait." Gibbs couldn't get over how jubilant he was.

Gary spent the afternoon going through her old mail, picking up this one and that one, finally he said, "Here's one you can read if you like." Gibbs noticed it had little spots of blood on the pages. He felt embarrassed and just skim-read it, but couldn't help taking notice of one part where Nicole said, "how warm and nice it felt, my life being drained from my body."

Gibbs was careful not to say anything or show any emotion, but to himself he thought, "She's either the most sincere broad I ever heard of, or one of the dingiest, ding-a-ling chicks in the world." Gilmore said, "What do you think?" Gibbs replied, "I can't really say because I've never been in your position, but evidently she's dedicated to you."

Now that Gilmore was out of his depression, Gibbs decided to keep him out of it, and started talking about how easy it *would*

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be to escape. Just get a hacksaw blade. The jail was old and the bars were small in diameter. They didn't have a stainless steel core inside. In fact you could see where somebody had already cut two bars and they'd had to weld them back in place.

Gary decided to send word to Nicole. She could tell Sterling Baker and he could do the job at the shoe repair. Gibbs said he had to separate the outer sole from the base of the sole, insert two blades, then carefully re-stitch the shoe by hand, using the same holes. Any shoemaker could do it.

Garv approved of the idea one hundred percent. He started a letter to Nicole explaining how to go about it, and since he didn't want any jailer to see what was written, he gave it to Mike Esplin to mail for him when the lawyer dropped by to discuss his case.

September 12

Dearest Fairest

I have something I want you to do. If you will do this and do it right I believe that I will soon take you away--to Canada, perhaps--the Pacific Northwest--somewhere. Away. Together me and you and your kids. Here is what I want: a carbon

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steel high quality hacksaw blade. They sell them in hardware
stores. I need a pair of shoes size 11. Sterling can put
the hacksaw blade inside the sole of the shoes. It would be
cool if perhaps Ida, she's above any suspicion, were to bring
the shoes along with some clothes to me on a visiting day or
the lawyer Craig or Mike--this is a hick town mickey mouse
jail--they don't x-ray shoes, they don't have a metal detector
--I could be out of here that very nite.

Do this for me Angel. I will come and get you and we will
go.

And I don't want to find any man with you when I get there.

Get me that blade. I'll come in the nite and take you
away and for whatever its worth for as long as it can last
before I am caught- or killed we will live laff love sing be
together come together.

Like we're supposed to be.

September 13

I stayed so fucked up on that beer and fiorinol I'm afraid I
never really gave you a good fuck--makes me feel bad--wish
I could fuck you now when my body is on the natural, clean
and pure and not full of booze and Fiorinol. I would lay you
on your back and put some vasalene in your bootie and fuck you
there until we both came--and then take you to the bath tub
and frolic in the water with you for a while and scrub each

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others backs and butts and arms and legs and balls and cock and pink cunt and tell you a story while we both soaked and you smoked a cigarette.

Baby we've got each other--that's all that matters my fair freckled angel. The bringer of the silver sword. Baby hold me tonite against your naked body wrap it all around me and fuck me in your mind and in your thoughts and in your dreams come to me when you leave your fair body in sleep and enter my heart and soul my mind my body take me into your soft warm wet love into your beautiful mouth into your heart your soul your very essence put my hands on your bootie and go wild with me abandon it to me so that in sleep and in all that is we may be as one something beyond imagination.

Once again she decided she had never been loving him more. His sexy letters got her so excited, it was playing hell with her decision to be true. "You're so full of bullshit," she said on her next visit, "I bet you can't even get a hard on. and here you are writing things like this." He just grinned back. It was obvious she was loving him.

She told him about the hacksaw blades. She had tried a little hardware store and asked for carbon steel. This old guy behind the counter saw she didn't know the size and didn't

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seem to care. Bought the two sizes he had in stock. He gave her a funny look, and said, "Who are you trying to break out of jail?" She had a hard time keeping a straight face.

Now, she had taken the blades over to Sterling and had tried talking him into doing the shoes, but he wasn't, she told Gary, too enthused. First, he said he would, but before she left, he told her that he'd have to think about it. A couple of days had gone by and he was still thinking about it.

* NB: pp. 736-46 not missing. . Just a typographical error in pagination.

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V:

~~SECRET~~ SANITY

1

Gilmore owned the best sense of hearing, Gibbs had ever come across. If there was a case of a man with bionic ears, it was Gary Gilmore. While it was at least 90 feet from their cell out to the front office, 90 feet of turning down three different halls and walkways, nonetheless Gilmore could hear them book somebody, and listen well enough to tell you their name and their charge. It sure kept him from sleeping. Gibbs had noticed that Gilmore would only average two to three hours out of the twenty-four. He didn't seem to need more.

Cahoon would have breakfast at 6:30, and Gibbs would still be in a drowse, but Gary would be up and eating. Then he would stay up to write a letter to Nicole, or read one of his books. He did this in the morning while it was peaceful through the jail.

From time to time Gilmore would speak of how unusual it was to find someone who had done as much time as Gibbs who didn't like books. Gibbs figured he had gotten through three in his

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life, "The Godfather," "The Green Felt Jungle," "Vendetta."
Now, Gary handed him "The Reincarnation of Peter Proud."
Said it would give Gibbs a clue to the hereafter. Gibbs
read it to make Gilmore feel good, but it didn't turn him into
no believer in reincarnation.

They got into a discussion about Charlie Manson. Manson
had psychic powers, Gilmore explained. "I know he made Squeaky
Fromme take a shot at President Ford."

"You actually believe that stuff?" asked Gibbs.

"Yeah," Gilmore said, "you can control people with your
mind."

Gibbs felt apologetic. "I don't believe in nothing I just
can't see.

"Well," Gary said, "Manson put her up to it."

"How?" asked Gibbs. "They didn't let Manson visit the
girl."

"No," said Gilmore, "Manson was using psychic powers."

Gibbs didn't see it.

Later that evening, Gilmore was heating water for coffee.
They would roll toilet paper into a doughnut shape and light
the middle. It produced a steady flame that lasted long enough
to get the water to boil in their heating pot which was made out

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a dixie cup with the aluminum foil from their baked potatoes wrapped around it. For a handle, they tied the ends of a piece of string to two holes on the rim, and then held the cup above the flame.

Gibbs was lying on his bunk watching Gary do this when he had the thought: "I'd sure laugh if the string broke." Just then it caught on fire, the cup fell, the water spilled. Gibbs let it out. He laughed so hard he rolled up in his bunk like a potato bug, ~~and popped a string of toilet paper.~~ ~~Gilmore looks at him with disgust, then threw the cup, foil, string and all, into the toilet. What a flush that would make.~~

~~"You are," said Gilmore to Gibbs, "the farthest mother fucker I ever saw."~~

~~"I," said Gibbs, "can fart at will." He laughed his ass off at the remark and gave another. He always laughed like a maniac after a fart.~~

~~"Well," said Gilmore, "they don't stink. I'll say that for you."~~

~~"I've always been a foot testing son of a bitch."~~

~~"Why don't you save 'em for a week," said Gilmore, "and make an album."~~

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After Gibbs caught his breath, he ^{said} ~~told him~~, "Hey, Gary, I wasn't being ignorant about your misfortune. It's just that I was thinking how it was sure going to happen. Right before it did."

Gary lit up. "That," he said, "is psychic powers." Gibbs wanted to say it will take more than a broken string to give me religion but he kept his mouth shut.

Still, Gibbs did have a kid sister living in Provo who was married to a fellow ~~he had never met~~ named Gilmore. ~~When he heard of Gilmore's arrest, meaning Gary's, he wondered if first if it was his brother in law.~~

Gary, hearing that, said "Did you ever think how much we have in common? Maybe we were meant to meet." Gibbs thought, "Here we go with reincarnation again."

Gary made a list: they had both spent a lot of time in prison, Gibbs in Utah and Wyoming, himself in Oregon and Illinois. Prior to prison, they had each gone to reform school. Both were considered hard-core convicts. Both had done a lot of time in maximum security. Both had been shot in the left hand while ~~e~~ in the commission of a crime. Neither of them cared for their fathers. Both fathers were heavy drinkers and

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dead now. Gilmore and Gibbs both loved their mothers, who were both religious Mormons. Their mothers lived in trailers in small trailer courts. Neither Gilmore nor Gibbs had anything to do with the rest of each immediate family. On top of that, the first two letters on both their last names were "GI" although neither had ever seen the armed services. Their first experience with drugs was in the early 60's and they both used the same drug for the first experience. An offbeat drug at that, ritilin, certainly a rare type of speed.

"Had enough?" Gilmore asked.

"Hit me," said Gibbs.

Well, Gary would point out that prior to their arrests, they had both been living with 20-year-old divorcees. Each of them had met the girl through her cousin. Each of the girls had two children. ~~Each had~~ ^{Each had} a five year old daughter, brunette, whose name started with an "S". ~~and each had a three-year-old son by another marriage. Both the little boys were blond, and their names started with a "J". Both Nicole and Gibbs' girlfriend's mother's first name was Kathryn.~~ ^{The mother of} Both fellows had moved in right away the day after they met the girl.

After comparing all of these coincidences, Gibbs did stop and think. He even started to wonder. Maybe there was sense in what Gary was saying.

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Of course, Gary hadn't hit the differences. Gibbs' girl was nothing to look at, and Nicole was beautiful. After Gibbs saw the way she put herself out for Gary, he decided she must be beautiful inside as well. Why, when she didn't even have money for stamps, she would hitchhike down⁺ the jail to bring Gary a letter. She might not be able to see him at such times, but she was in a hurry to pick up the pages he had written for her. At such times, if they needed coffee, Tang, writing paper, pens, whatever, Gibbs had only to tell the jailer to release money from his account and Nicole would go right out and buy the things, and bring them back.

One time when they were making up the list, Gibbs asked if there was anything Gary wanted that had not been mentioned. He said, "Do you like that instant hot chocolate?" "Yeah," Gibbs said, "it's all right." Actually he preferred cold drinks like Tang but said, "Yeah, have Nicole get a carton of those packets of hot chocolate." He could see how embarrassed Gary was to want something or need it. Got all choked up. "Gibbs," Gary said now, "you are one of the best sons of bitches I ever met in twenty years of lockup. Mark my words, Gibbs, somehow, someday, you'll be repaid for being so good to others."

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Gibbs could see that Gilmore was really looking for some way to repay these favors. Gary even began to speak of fixing Gibbs' teeth which rattled in sleep.

"Well," said Gibbs, feeling uncomfortable, "I like to play with them." He had a full upper plate, but he had sure broken it in two one night. Shortly before he came to the slammer this trip, he had been driving along in his Eldorado drunk as a skunk, got sick and had to puke, but was too lazy to stop. What the hell, he was doing 80 on the Interstate. So he just opened the window, heaved, and went along another hundred yards or more, before he realized his teeth had gone out with the cakes. Slammed to a stop on the shoulder and ran back in the dark, until he found a stream of vomit and his false teeth in two pieces in the middle of it all.

Now he played with them. Put his tongue between and made a clickety-click sound like castinets. Sometimes Gibbs would poke the whole job out at people just to watch their expression when his front teeth split apart in front of them.

~~He wouldn't kid this way around Gary, however. Gary was too self-conscious about his own teeth.~~ It even took Gary a couple

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of days to get around to telling Gibbs he had worked in the dental lab at Oregon State Prison, and if Nicole could now find a kit, in the pharmacy, Gilmore would repair his denture. Gibbs released the money right off.

After her visit, she sent back a box of Denture-Weld which contained a bottle of liquid, a tube of powder base, eye-dropper, plastic cup, a stick to stir it all, and sandpaper, and instructions. Gilmore threw the instructions aside and went to work on the teeth. In fifteen minutes they were back together and fit like new. It gave Gibbs a new worry. Now that his plate was together, Gilmore might be able to hear the words he was saying in sleep. Gibbs just hoped those words weren't giving nothing away.

Later that night, thinking Gibbs was out of it, Gilmore sat up and began to work at little adjustments on his own plates. Gary was really on a privacy trip about those teeth. In the silence of the night, Gibbs pretended to be sleeping and watched Gary, intent and alone at his work, old as his age and more, his lips fallen in on his gums.

The four trustees in the jail, counting the cook, were just serving a little county jail time. When they came back at mealtime they were all deathly afraid, and would stand back

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as far as they could as they slid the trays through the slot in the window. It was not possible for a prisoner to reach out and grab you through that slot but the trustees had a lot of fear built up after hearing the jailers talk of how Gilmore had made his victims get down on the floor, put the gun to their head, splat. Gibbs knew the jailers were using Gilmore as a threat. Anytime a guy in one of the other tanks started pulling a tough-guy role for himself, the jailers would tell him to stop, or he'd be put in maximum. Gilmore, they would point out, did not have a hell of a lot to lose by killing another man. Do it just as soon as look at you. If you ever touched him, forget it--he'd wait 96 hours easy as 96 years to pay you back.

~~So, when they took Gibbs out of the cell one day to let Gary be alone with a psychiatrist interviewing him, and the jailer said Gibbs could go to the kitchen and drink coffee if he'd promise not to give the trustees any shit, why the trustees couldn't be nice enough. Fixed Gibbs a sandwich, the works. Finally one of them asked why Gibbs was out of his cell. "Oh," Gibbs said, giving a wink to the jailer, "They are taking me and Gary one at a time for a shakedown. Gary will be here just as soon as I go back." Gibbs had never seen four guys wash trays so fast. They were going to be done and~~

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out for sure before the Great Gilmore arrived.

Just then the jailer had to walk to the front office to answer the phone, and soon as he did, Gibbs took every package of punch he could see on the table, stuffed them in his pants, said to the trustees, "If one of you punks say a word about this, you'll hate it."

Soon as the jailer took him back to Gary, Gibbs started unloading his stolen goods. Gary said the nut doctor was going to recommend that he was sane and competent to stand trial. "What do you expect?" said Gilmore. "He's paid by the same people who are going to try me on these charges. The State of Utah. Same as my two lawyers. They're also paid by the State. I can't win for losing." Then he looked at Gibbs and said, "What are we waiting for? Let's mix up that punch before the man comes looking." So they got busy and made up a gallon

2

Esplin and Snyder certainly thought they were working hard for Gary. They had been offered a crack at distinguishing themselves in a big case, in fact, the most prominent case either of them had yet taken on. ~~The legal community that met informally each morning and afternoon in the Provo courthouse's~~

shot

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start

~~coffee shop, a small serving bar with half a dozen tables and chairs across the main hall from the marble stairs that led to the trial chambers, was a community of lawyers to pay attention to how the trial would be conducted.~~ It was a while since Provo had had a case of murder in the first degree, and in a case like this a young lawyer could do service or injury to his reputation among colleagues.

They were eager to put their skills to work, and not without awe at the responsibility--a man's life would depend on how well they built their presentation. ~~For that reason they were soon involved in the frustrating situation of having to deal with an uncooperative client.~~ But these

He was most peculiarly uncooperative. He wanted to live--at least they assumed he wanted to live--he was certainly interested in getting off with Murder in the Second Degree. His cellmate at the county jail had assured him Murder Two in Utah could be paroled on the streets in six years. Gary even spoke at times of the possibility of being found Not Guilty. Yet he would not offer anything to improve a weak defense and the case, from the lawyers point of view, was conspicuously in need of new material to refute or, at least, soften the damaging sequence of evidence the prosecution was certain to bring in.

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It was circumstantial evidence, but tightly knit. If perfect circumstantial evidence would run from A to Z without a letter missing, then here, perhaps no more than a letter or two was smudged, and only one was absent. The fingerprints on the automatic found in the bushes near the City Center Motel were not clear enough to be established as Gary's. Everything else brought the case together--most particularly the shell casing found beside Benny Bushnell's body. That could have come only from the gun found in the bushes. A trail of blood led from those bushes to the service station where Ontiveros and Norman Fulmer had seen Gary's bloody hand.

There was direct evidence as well. At the Preliminary Hearing on August 3, Peter Arroyo--who testified to seeing Gary with a gun in one hand and a cash-box in the other, made a perfect appearance. He was a family man, and spoke in a clear and definite voice. If you were filming a movie and wanted a witness for the prosecution who would prove wholly damning to the defense, you would cast Peter Arroyo. In fact, Snyder and Esplin ran into Noall Wootton in the coffee shop after the Preliminary Hearing and they joked about Arroyo's

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perfect qualifications the way rival coaches might talk of a star that belonged to one of them.

It was a strong case for the prosecution. The confession Gary had given to Gerald Nielsen hurt a great deal. Snyder and Esplin were not concerned that Wooton would try to bring that confession into the trial. If he did, they were sure they could show that Gerald Nielsen had been in clear violation of the defendant's rights. ^{But} ~~the police simply could not solicit ad-~~

~~missions from a man under arrest when he had not consulted his lawyers. Esplin had even delivered what might be considered a pretty potent plea at the Preliminary Hearing. "Your Honor," he said, "the police can't lay out a case before a suspect and say this is the evidence we've got, and wait for him to make a statement, and then say afterward, well, you know, he's not entitled to a Miranda Warning because we didn't actually ask him anything. Why the inflection of one's voice can lead one to believe he's being asked a question."~~

The judge came close to agreeing. He said, "if I was sitting as a trial judge, I'd exclude it. ... but for the purposes of a Preliminary Hearing, I'm going to admit it."

Wooton would probably not even bring the confession into court now. ~~In Esplin and Snyder's opinion, it was such a~~

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~~clear violation of Miranda, that it would taint the case sufficiently to have a conviction overturned on appeal.~~

~~Even so, the confession had already done its damage.~~

→ Knowing that Gary committed the crime, took much of the promise out of the defense. ^{only} a lawyer without scruples, or concern with his reputation for probity, might be able to ignore the fact that, ^{in the face of the confession,} ~~after the preliminary hearing, half the legal community of Provo knew Gilmore was guilty, and the other half would soon find out. That had to inhibit the possibility of bringing up any really imaginative defense. Given the subtle ethics of the legal profession, it was not comfortable in the face of such a confession, to build one's defense around any theory of accident.~~

The most telling point against Gary was that he had put the pistol to Bushnell's head. Otherwise, one could argue that the murder had only taken place because Benny Bushnell had the bad luck to walk into the office from his living room just as Gary was taking money from the cash box. Such a series of events could come in as Murder Two, a homicide committed in the heat of a robbery. That was hardly as bad as commanding a man to lie down on the floor, putting the gun to his head, pulling the trigger. . . That was premeditated. That was ice-cold.

Nonetheless, a defense could still be worked up with those facts. Automatics had the most sensitive triggers of any

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hand-guns. Since Gilmore had shot himself by accident a few minutes later with just such a sensitive trigger, one might still argue that he had been surprised by Bushnell and so had taken out his gun, trying to decide what to do next, ~~he~~ had ordered Bushnell to lie down and when Bushnell started to say something, he ~~had~~ put the pistol to his head, as a threat. Then the gun, to his horror, went off. By accident. It might have been a defense. It could at least have created some reasonable doubt on the most powerful detail, emotionally speaking, in the case for the prosecution. Yet, ~~if such an argument were to be used, it could be employed only as one of several unstressed possibilities in a general summation to the jury. One could not~~ build one's case on it, not when every lawyer in Provo, given the existence of the confession, would see such tactics as sleazy, particularly if one were to put the defendant on the stand after obvious coaching, no, they would have to look for less direct ways to save Gilmore from the death sentence.

~~Since~~, a trial for murder in Utah was conducted in two parts, a Mitigation Hearing being held right after the trial. If the defendant was found Guilty in the First Degree, the defense could introduce witnesses in this Mitigation Hearing who were not there to testify to the crime, but to the character of the

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accused. After their testimony, the jury would go out a second time, and be balloted on whether the verdict was life imprisonment or the death penalty.

Gary's life was probably going to depend on this Mitigation Hearing. Yet it was here he became most uncooperative. He would not agree to calling Nicole as a witness. ~~They tried to discuss it. There, in the waiting room at the County Jail, he would not listen to Snyder and Esplin's argument that the jury had to feel compassion for him as a human being. Who better than his girl friend would show he was a man with a good side as well as a bad side? Gilmore would not allow any talk of bringing her into the case. They could hear him saying, "My life with Nicole is sacred and sealed."~~

~~He was not forthcoming.~~ ^{start} He did not suggest witnesses they could call. When he offered up a few details of how he had lived in Provo, the details were dry. He did not give the names of friends. He would say, "There was this kid I work with, and we had a beer." He sat on his side of the visiting room, remote, soft-voiced, not unfriendly, hopelessly distant.

~~On the other hand, he showed a little curiosity about the background of Snyder and Esplin. In the hope of gaining the~~

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lawyer. The only alternative to law school he ever considered was pharmacy. His uncle was a druggist. After law school, in private practice, he handled bankruptcies and divorce cases. Then for the last year, he had worked full time in Provo as a Public Defender.

Gilmore nodded. Gilmore took it in. Gilmore did not give a great deal back. He did not think there would be anything of use to them in his prison years, he said. There was only the prison record and that wasn't written for him but for the prison. His mother might make a good witness, he allowed,

Snyder and Esplin looked for witnesses. They got in touch with Bessie Gilmore, but ~~Gary was right~~ ^{was authentic and} she could not travel.

There was the cousin, Brenda Nicole, but Gary was angry at her. ^{And when} ~~at the Preliminary Hearing on August 5, he had~~ ^{he had} ~~traveled to~~ ^{traveled to} her across the court. He had thought she was there to see him. He soon learned that Noall Wootton had called her to testify. On the stand, Brenda spoke of the phone call Gary made from the Orem Police Station when he said he had been charged with first degree murder. "I asked him what he would like me to tell his mother," Brenda had said on the stand. "She would want to know if the charges were true. He said, 'I guess you can tell her it's true.'" Mike Esplin tried to get Brenda to

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~~agree that Gary meant no more by the remark than that it was true he had been charged with murder, Brenda repeated her testimony. She did not take sides. Gary found that hard to forgive.~~

~~Still, the lawyers tried. They talked to Brenda on the phone. Snyder thought she was flippanant and more than a little frightened of Gilmore. He had told her, she said, that he would get even with her for turning him in. Lately, there had been an orange van following her around. She thought it might be a friend of Gary's.~~

~~She said she had gone out on a limb to get Gary out of prison and try to help him, and felt he'd kind of stabbed her in the back. She loved him very much, she said, but she thought he was going to have to pay for what he had done.~~

~~Later, the lawyers tried again. They asked how Gary had looked on the night he came to her house after the murder of Max Jensen. Did he seem to be under the influence of drugs or alcohol, there were mitigating circumstances. Brenda repeated what April had said, "I'm really afraid of you when you get that way, Gary." She liked Gary, Brenda repeated, but he~~

said

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deserved what he was going to get. At best, Brenda would be a dangerous witness, decided Snyder and Esplin.

They called Spencer McGrath, and he said he had liked Gary, and Gary had done good work, but he was very disappointed over the turn of events. ~~He told them that he had a couple of young fellows working for him and their mothers were indignant he had hired a criminal to be on the job with their sons. He was now catching about all the trouble he needed. People would stop him on the street and say, "How's it feel, Spencer, to have had a murderer on your payroll?" That kind of word hadn't helped his projects any.~~

They never talked to Vern Damico. Gary kept saying that his relationship with his relatives and friends had not been very good and he had had a fight with his uncle. ~~In one of the papers they received from Utah State Hospital was a report of a conversation with Vern.~~

~~Mr. D'Amico gave me the following information regarding Gary Gilmore:~~

Stet

~~He doesn't like to be defeated, and when he is, he will not forget it and won't forgive. He is also very revengeful and has Mr. D'Amico's family very frightened as they were the ones who turned him in. He has written a letter to his cousin and told her he hopes she has nightmares for turning him in. The family is also a little concerned that he will break out of jail or the hospital as he has a history of that in the past.~~

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~~Neither Snyder nor Eglin thought they would be able to use Ver-~~

They were down to the psychological assessments and formulations. They were looking for a psychiatrist who would declare him insane, or, failing that, were looking to find a paragraph in one of the reports or a sentence, or even a phrase, they could use. Over and over, they studied the psychiatric reports.

3

PSYCHOLOGICAL ASSESSMENT

DATES OF ASSESSMENT:	August 10, 11, 13, and 14, 1976
ASSESSMENT PROCEDURES:	Interviews with patient Minnesota Multiphasic Personality Inventory Bipolar Psychological Inventory Sentence Completion Shipley Institute for Living Bender-Gestalt Graham Kendall Rorschach

Mr. Gilmore said at one point, "All week long I had this unreal feeling, like I was seeing things through water, or I was watching myself do things. Especially this night, everything felt like I had this unreal feeling, like I was watching at a distance of what I was doing. We drove out to Orem, and we pulled up near the gas station, and I told the guy to give me all his money.

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I took him in the bathroom and then I shot him in the head twice. The guy didn't give me any trouble, but I just felt like I had to do it. I felt like I didn't have control. I then went back, got in the truck, and took April to the movie. . .

"Next evening. . .I still had this cloudy feeling. I went in and told the guy to give me the money, and I told him to lay down on the floor, and then I shot him. . . I know it's all real, and I know I did it, but somehow or other, I don't feel too responsible. It was as though I had to do it. I can remember when I was a boy I would put my finger over the end of a BB gun and pull the trigger to see if a BB was really in it, or stick my finger in water and put it in a light socket to see if it really would shock me. It seemed like I just had to do it, that there was a compulsion for me to do these things."

INTELLECTUAL FUNCTIONING:

Gary is functioning in the above-average to superior range of intelligence. His vocabulary IQ was 140, his abstraction IQ was 120, and his full-scale IQ was 129. He said that he has read an awful lot in his life, and indeed, he missed only two words on the vocabulary test. . .

PERSONALITY INTEGRATION:

On the paper-pencil personality test, Gary shows himself to be an individual who is very hostile, socially deviant, currently unhappy with his life, and insensitive to the feelings of other people. He has a high hostility component toward the establishment. . .

SUMMARY AND CONCLUSION:

In summary, Gary is a 35-year-old caucasian single male. . .of superior intellect. There is no evidence of organic brain damage. Gary is basically a personality disorder of the psychopathic or antisocial type. I think, however, that there may be some substance to his talk about the de-personalization symptoms that

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he experienced during the week that he was separated from Nicole and during the shooting of these two people. It is clear, however, that he knew what he was doing. . . I see no alternative other than to return him to court for further legal processing.

Robert J. Howell, Ph.D.

18 August 1978

NEUROLOGIC CONSULTATION

He indicated he occasionally has jagged lines across his visual fields, especially on the right, followed by inability to see for about 10 minutes followed by severe headache, which is occasionally accompanied by a dizziness. Headache lasts an hour or so, then goes away. The headache always follows a visual experience, but he also has other headaches which are sometimes "real bad", which come without this and may occur at any time. These occur with considerable variability, and at times he has used Fiorinol almost every day because this usually stops it, whereas aspirin, Tylenol, and other things have not seemed to help. He has been struck in the head in some fights, but has not been knocked out. A few months ago he suffered a laceration in the left eyebrow region, which has healed well. As a youth, his brother tended to hit him on the back of the neck and he thinks he may have a vertebrae out of place, and has recurring neck aches.

He reports that from his youth he has had a tendency towards compulsive behavior. He would get a thought in his mind and not be able to keep himself from doing it. He gives as an example going out to the middle of a train trestle and waiting until the train came to the end of the trestle before starting to run in the opposite direction to get off the trestle before the train caught up with him. While in the penitentiary on a fifth tier, he would get a compulsion to stand up on a railing and touch the ceiling above, with the possibility of falling 50 feet to the floor below. . .

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His unusual behavior in response to a sense of compulsion and his alleged spotty amnesia will require further appraisal from the psychiatric point of view, but at this point it seems quite unlikely that they represent any sort of seizure manifestation.

Madison H. Thomas M.D.

August 31, 1976

STAFF PRESENTATION:

DR. WOODS: Now another thing we need to clarify is you're saying that you had an electro shock treatment? That is, ECT?

ANSWER: Yeah. I was in a penitentiary and they did that to me. . . .

~~DR. WOODS: In the penitentiary they did ECT.~~

ANSWER: They sent me to Oregon State Hospital which is right across the street.

DR. HOWELL: Can you give us a date on that--about when it happened?

ANSWER: Sometime in 1968-69. Those years all kind of run together.

DR. HOWELL: And how many ECT did you get?

ANSWER: Well, they told me they gave me one series of six. I asked them about it.

DR. HOWELL: Well, what was the reason they did that?

ANSWER: Well, the reason was because the doctor they had working there at the penitentiary, the psychiatrist, that was his cure-all for everything. If you got violent or got out of line or whatever, or he figured you needed to be a little more passive, he would, you know, hook you up to Bonnieville Dam.

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~~DR. WOODS: So a lot of guys got hooked up to Bonnie-ville Dam.~~

~~ANSWER: Yeah, while he was working there. One hell of a lot of guys.~~

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DR. LEBEQUE: Now why did you get the Prolixin? What happened there?

ANSWER: Well, there was another riot. It happened in the hole and I was in the hole when it came down, and it took them about 11 days to contain it, and after they got everything in what they considered order, whenever they would hear some kind of noise, they would come down the tiers and mace the occupants of the particular cell they thought the noise was coming from and that didn't work. So, they decided to set a few examples, and when they heard some noise, they would come down, break the cell, and they took six of us up to Psych Unit they've got there, chained us to a bed. I was chained for two weeks, and during that time they came in and shot me with Prolixin. They were giving me 2 cc's twice a week, and I had lost 50, maybe a little bit more, 50 pounds by the time they finally let me up out of that nightmare.

DR. HOWELL: About how many would you guess you had?

ANSWER: They were giving me two shots a week for four months.

DR. HOWELL: For four months.

ANSWER: Yeah. It paralyzed me.

DR. KIGER: You have got clean psychiatric reports eleven or twelve. The whole time you have been in the prison system except one. One report was not a clean one. Do you know when that one was?

ANSWER: I don't know.

DR. KIGER: It said you had a paranoid psychotic state, Do you recall when that one was?

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ANSWER: God, it's so easy to be accused of being paranoid in prison. I mean maybe I had a disagreement with somebody and they were in a position to say I was paranoid and thereby dismiss whatever the thing was. I don't know.

DR. HOWELL: During that time you don't see yourself as having been mentally ill.

ANSWER: A lot of those guards are mentally ill.

DENNIS CULLIMORE, MSW: Was there anything either of the evenings of the murders about your mental state that was different than usual?

ANSWER: Yeah, I would say so. I was completely out of it--really.

DENNIS CULLIMORE, MSW: How do you mean out of it?

ANSWER: Well, I didn't have--all of the strings had been cut, like I didn't have control of myself. I mean I was just going through motions. I wasn't planning anything. These things were just occurring. It was like a compulsion kind of. I mean I didn't have any plans to shoot that guy or any reason to, or any intention to really, and I just couldn't stop myself. I didn't need his money or anything. I had a pretty good job and had some money.

DENNIS CULLIMORE, MSW: At what point did you know that you were going to shoot him?

ANSWER: When I shot him. I didn't know it before then. I knew it afterwards but it just seemed like it was the next move in a motion that was happening, you know.

DR. KIGER: Have you had other emotionally charged episodes where you didn't remember all that happened at that time?

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ANSWER. I'm not really excitable, you know, I don't get emotional. I guess you know some things I let weigh on me pretty heavy, but it is kind of a slower sort of thing that mounts and builds you know. It's not a spur of the moment thing.

DR. LEBEQUE: That feeling that you described to several of us about somehow things being unreal like seeing through water, has that happened to you before this summer?

ANSWER: Not, not really. . . only there have been times when life seems to slow down and you can watch movement more intensely. ~~like if you get in a tight situation, a fight situation, or something~~ like, the feeling there is somewhat similar to this. . . .

DR. KICER: Anything similar to when you are on grass?

ANSWER: When you are on grass, you just trip along and everything is fine, but when you're in a tense situation, I don't know. No, I can't say that I have really experienced that feeling before.

DR. LEBEQUE: So, it was something new for you.

ANSWER: Yeah, I would say so.

DENNIS CULLIMORE, MSW: Does anyone have anything else? OK.

DR. WOODS: Thanks for coming in, Gary.

ANSWER: Alright

COMPREHENSIVE TREATMENT PLAN

A report will be made to the court stating that the patient is both competent and responsible.

Breck Lebeque^g, M.D.
Resident in Psychiatry

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FORMULATION:

This is a 35-year-old white male who is here for psychiatric evaluation. There is no evidence of thought disorder or psychosis, amnesia, organic brain-damage, seizures, or any other behavior of pathology which would prevent him from conferring with his attorney and standing trial on the charges. He is aware of the circumstances and of his actions. He does describe some symptoms of depersonalization during the actions, but it is not uncommon for those who murder to undergo a temporary process of dehumanization. I feel that he was responsible for his actions at the time of the incident.

STAFF DIAGNOSIS:

Personality disorder of the anti-social type.

Breck Lebe³gue, M.D.
Resident in Psychiatry

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Gilmore gave off no aura of the psychotic. The more Snyder and Esplin searched these staff reports and transcripts, the less they encountered madness, and the more he appeared grim, ironic, practical. There was hardly a wall in the law you could not climb if you could get onto some little thing, some legal grip with which to raise yourself to find another hold. There were cracks in many a block of law, but in the Gilmore case, these psychiatric walls seemed smooth as glass.

They took the problem to Dr. Woods, who had seen a lot of Gary at the ward level, and John Woods went over it with

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them. The legal difficulty, as he saw it, was how to cross the divide between the psychotic and the psychopathic. The law recognized the first as insanity, and you could always save the neck of an insane man. The second, however, the psychopathic, was a madness of the moral reflexes, if indeed you could even bring to use such a term (which you couldn't with any standing) in a court of law. Woods pointed to one interview where Gary was speaking of the moment when he shot himself, said, "I looked at my thumb and thought, 'You stupid son of a bitch!'" That was hardly a psychotic reaction. Morally self-centered, yes. Criminally indifferent to the mortal damage just done to others, yes, but no psychological incapacity to grasp his practical situation. The law did not recognize any such psychiatric category as moral insanity. If you were, by common measure, practical, then you were liable.

Since psychiatry, however, without a proper name for each mental state, was no better than a set of medicine bottles without labels, there was a psychological category to take care of moral insanity, criminality, uncontrolled animality, call it what you will. Psychiatrists called it "psychopathic personality," or "sociopathic personality," interchangeable terms.

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Woods looked for other ways to explain it. In psychosis, there was no correlation between the event and the thought. If Gary, after he shot his thumb, had said, "They are poisoning hot dogs in Chicago," there was one chance he was a poor poet and ninety-nine that he was psychotic. Instead, Gary had said, "You stupid son of a bitch" just like anyone else would have said.

Don't

~~Could this formulation be made useful to the case was the next natural question of the lawyers. They came up so often to Woods' office that the visits bordered on being inappropriate. Woods was a young man to be Director of the Forensic Program, and he liked his job, and was intellectually stimulated by the therapeutic ideas of his superior, Dr. Kiger, whom he thought was one hell of an innovator in this kind of work. So, Woods didn't want to get the hospital in any trouble, and he used to wonder on the correctness of all these visits, but then Woods thought, well, if the prosecuting attorney wants to talk about these things, that'll be fine too, I'll help him also. I'm ready to give any information I can. Ergo, he permitted himself to go over each little point with the defense attorneys, analyze whether they had a chance here, or what something else might possibly mean there. really went into~~

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*Pos
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~~acted upon them as reality and jumped out of a high window into eternity, well, then, it hardly mattered whether your daily state had been psychopathic, manic, melancholic, or obsessive-compulsive, you were psychotic as you passed through the window on the way down.~~

The psychopath might have fantasies; the psychotic had hallucinations. There was a possible attack on the problem here, since the line between fantasies and hallucinations could hardly be precise, a few forensic psychiatrists even spoke of schizopaths. Woods looked up. In fact, he offered, the phrase had been coined right at Oregon State Hospital where they hooked Gary up to Bonneville Dam.

Why then couldn't the concept be introduced, and Gary be called a schizopath?

Woods did not see now. At bottom, as he understood it, the law was determined to keep psychopathy and psychosis apart. Whenever the moral insanity of the sociopath came to be accepted as legally insane, then crime judgment and punishment would be replaced by crime therapy and convalescence. Schizopath might be a concept used by some psychiatrists, but it lacked that ring of the authoritative you hope to bring to a court of law.

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Besides, with the best will in the world, Woods could not even apply the term to Gary. There had just not been any behavior that was paranoid over these weeks.

Would the doctor at least testify for him in the mitigation hearing.

Yes, said Woods, he could find his way clear to testify. It was just that he doubted he could offer anything in good professional conscience that the district attorney would not quickly reduce.

Did he like Gary? That was the next question he could feel the lawyers all but ready to ask. They wouldn't, and if they did, he would not reply--but Woods might have wanted to answer. Yes, he would have said. I think I do like Gary. I may even like him a little more than I want to.

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Gary had propped up a photograph of Nicole sitting on a fence, and he sketched it now with a ball point, then took an old pen refill and broke it in half. With a toothpick he dug

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out a little of the coagulated ink, and with a water color brush and a few drops of water, he shaded the drawing. Gibbs always enjoyed watching him.

Sept. 20

Wish I had taken more pictures of you naked. No kiddin--
Nicole I think you should never have to wear clothes. There
is something about nakedness and you that just go together.
I don't mean anything crude, baby, you know that--although you
are tremendously sexy. You are just so natural naked--innocent,
playful, happy, pretty, like a sprite in the forest. Just
something that belongs.

I was surprised to get this flick back--I bet those cops
in Orem looked this picture over pretty good, huh? Bastards--
pisses me of to think that some fuckin pig--or anybody--saw
such a personal picture of my love.

Sept. 21

I would really like you to see a picture of that sculpture
"Ecstasy of St. Therese." I believe the sculptor is Bernini.
I've never seen any great works of art in person but I guess
I'm familiar with most European Art through books I've studied.
I once saw a picture of Christ by a Russian artist that really
haunted me for a long time. Christ didn't look anything like

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the popular beaming Western Christian version of the kindly shepherd we're used to. He looked like a man, with a gaunt, lean, sort of haunted face with deep set large dark eyes. You could tell he was pretty tall, angular, rangy, a man alone and I guess that was the most striking thing about the picture. No halo, no radiant beam from heaven above. Just this extraordinary man--this ordinary human being who made himself extraordinary and tried to tell us all that it was nothing more than any of us could do. Loneliness and a hint of doubt seemed to fill the picture. I would like to have known the man in that picture.

When Gibbs ^{had been} ~~was~~ in the Salt Lake pokey, just before being transferred ^{here,} ~~one~~ of the jailers ^{had} told him about a law student who had gone to school with Jensen. This dude had actually tried to get into the jail in Provo to kill Gary. He had planned to tell the jailer in Provo he was a working lawyer, then smuggle in a knife.

Gilmore said he could sympathize with such an attitude. What was a dead man worth, if he didn't have friends ready to avenge him? Then he looked up at Gibbs and said, "You know, this is the first time I've ever had any feelings for either of those two guys I killed."

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Then he fell in love with the magic marker. "After I'm gone, they'll really think a nut was in here," he said. On all the walls, he wrote, "WALL," wrote "CEILING," on the ceiling, "TABLE" on table, "BENCH" on the bench, "CHOWER" in the shower. Then he numbered each bunk "BUNK ONE," "BUNK TWO." Finally he printed all over Gibb's face and his own: "FORE-HEAD," "NOSE," "CHEEK," "CHIN."

When the jailer arrived to serve the evening meal, he asked "Vy do you do thees?" He was a Wetback named Juan. Thick accent. "Vy you do thees?" he asked. "Uh," said Gilmore, "they told me to get ready for court."

After that they looked to get the Wetback. One time Gary asked Juan to phone his lawyers, Juan was a lazy son of a bitch, never wanted to stir ass for a prisoner, so he said, "Geeelmore, ees thees important?"

"Yean," said Gary, "it's a matter of life and death."

They nodded. Old Juan just stomped away.

6.

~~the~~ the trustee who did the haircutting was afraid to be in the cell with Gary. And they weren't about to take ~~in~~ Gary

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up to Trustee's quarters. So Gary asked Gibbs to do the job. Gibbs said, "Never in my life" but Gary went to say he was a master barber, and would instruct him step by step.

They called for the Jailer on a duty -- a Wothack named Juan who they didn't like, a lazy son of a bitch who never wanted to give ass for a prisoner.
Juan brought them a big pair of scissors. They propped up a sheet of polished aluminum by the bars to make a mirror, and Gary sat near the table facing it. He would run his hand through his hair and stop with the amount he wanted cut off above his closed fingers. It took about an hour. Gibbs was real cautious. When they were done, however, Gary called Juan back and asked if they could use the electric clippers. "No," said Juan, "there ees no outlet in your cell." He wasn't about to go to the trouble of running an extension cord. Gary blew it. Threw the scissors as hard as he could at the tray slot where Juan was standing. It hit the steel wall just off to the side and shattered. Juan said, "You zon of a beech, Geelmore." Gary started toward the bars, "What did you say?" he asked. Juan took off for the front office.

About an hour later, he came back with a deputy and a plastic zip-lok bag, the kind they used to put evidence in. Juan handed the sack through the window and told Gary, "Put broke pieces een sack." Gary did it. He had cooled down quite a bit. "I've probably blown Nicole's visits," he said

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to Gibbs, "and you know, that's all that really has any meaning to me." Gibbs said, "Wait until six o'clock when Big Jake comes on." "You know," said Gary, "they can put me in the hole, just so long as they don't stop me from seeing Nicole."

Big Jake came over, he was laughing. He had read Juan's report on the daily sheet. "You scared him so bad with them scissors," he said, "that Juan shit tacos clear out to the front desk."

Big Jake and Gary got along. He was the only jailer Gary had respect for. Not because Big Jake would bring him a sandwich at night or a paper, but because he had no fear, and was sure of himself. ~~Shortly after Gary had come to the prison, four fellows in the main tank tried to jump Jake one day for an escape. Frank Nixon, Tommy Sanford, two other fellows. Jake just about beat them halfway to death. He was confident, all right. One good looking, well-built Indian.~~ There was an order put out by Captain Cahoon that when Nicole came to visit Gary, a call had to be put in for a patrol car. That way there'd be a couple of extra cops around the jail. Every guard did this but Jake. He didn't need extra help.

Now Gary explained in a real sincere tone of voice what had happened. He told Big Jake he was in the wrong for losing his temper. He went on to say he would take his punishment, but

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hoped they wouldn't take away his visiting privileges. Big Jake said it was up to Captain Cahoon, but he would talk to him personally. Maybe replacing the broken scissors would be sufficient. Gibbs spoke up. "If that's what it takes to mend things," he said, "use some money from my account to pay for the scissors."

Later that evening, Gilmore tried once more to thank Gibbs. "If they put somebody in our cell we don't like, we'll kill him," he said to Gibbs. "Then on the condition that they drop your charges, you give a statement against me. If need be, you can even testify in court against me. After all," said Gilmore, "what can they do? Sign my death sentence three times?" He started laughing his ass off. Gibbs just said, "All that ain't necessary." Gibbs knew what it was like to be broke and in jail. Someday he could very easily be in the same identical position, he told Gary.

"Gibbs," asked Gilmore, "have you ever heard of Ralph Waldo Emerson?"

"No."

"He was a writer, and he made a statement you and me live by. Emerson said, 'Life is not so short that there is not always time for courtesy'."

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7

They did put one big would-be-tough in with them. An ex-Marine about 6'3", 210 pounds, named Bart Powers. He had walloped a kid in the main tank that morning.

When Powers came into the cell, his first words were "Which of you guys is Gilmore?" It came out so loud and so tough that Gibbs thought Powers had come to sell a Wolf ticket. He got off his bunk immediately and went over to the toilet in order to get behind him.

[DEFINE.]

Gary looked up from the letter he was writing, and said real cool, "I'm Gilmore. Why do you want to know?"

It could have been hypnosis. Gary must have given him a dose of psychic powers. Gibbs could see Bart Powers lose his powers. In a meek tone of voice, Bart said, "All the guys in the main tank said to tell you 'Hi'." It was all Gibbs could do to keep from snickering at the way he said "Hi." Like a big kid in high school.

Powers stayed good during the day. Kept to himself, read a book, made no trouble. It was a question how long he would be for their tank, however. Gibbs could see Gary getting agitated. There had been a deal working up with Big Jake to bring

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Nicole in for a night in exchange for a saddle Jake wanted to buy. It would probably cost \$100, but Gibbs thought he might just be able to get it together, if Big Jake would give them credit. The deal was still very much in the un-made stage, but they had sure been thinking on it. Now, the presence of Powers would kill it. While Big Jake could easily move Gibbs to another cell for the night, he would never trust Powers to keep his mouth shut. Gibbs could see exactly the way Gilmore's mind was working.

Juan came by, and said through the bars, "Pow-ass, vy you heet a choovenile? He vuz justa keed, Pow-ass." Then he left.

Gilmore and Gibbs cracked up. They would look at Powers and they would laugh. "He vuz justa keed, Pow-ass," they would say, "justa keed." Then they would laugh again. Bart Powers looked like he hated it, but he wasn't about to speak up, Gibbs noticed.

Powers had no cigarettes, so Gibbs flipped him a pack. "You don't owe me nothing," said Gibbs. "You could never pay me back, so I'm giving it to you."

"You've met a generous man,"¹¹ said Gilmore to Powers. Then he looked him over. "That's a nice-looking shirt you're wearing," said Gary.

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"Thanks," said Powers.

"I'd like to buy it," said Gary.

"It's the only shirt I got."

"Well, man," said Gary, "I'm going to trial soon, you see, and man, I want to appear in court in proper attire, you know."

"I couldn't sell this shirt, why, it's a gift from my girlfriend."

"I'll give you mucho cigarettes for it," said Gary by way of a nod from Gibbs. It would be Gibbs' carton.

"The shirt's all I got," said Powers.

"Well, then give back the pack I just threw you," said Gibbs.

"Vy you heet him?" asked Gilmore. "He vuz justa keed, Pow-ass!"

They roared in Powers's face. He returned the cigarettes.

That evening, Gary went up to Bart, and said, "Nothing personal, but this cell is too crowded for three. I think it's in your best interest to tell the man that you can't get along in here." Gary looked as serious as a heart attack. "Tell him if he don't move you out tonight, I'll kill you."

Powers started yelling for Big Jake. "Nothing personal," Gary whispered.

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"Oh, you want out?" said Big Jake. "Ready to go to isolation? What's the matter, Powers? Can't smack these two around, huh?" Can't tell them to go back to their bunks cause you're tired of looking at their faces? They don't play around, do they?" He nodded at Gilmore and Gibbs. "All right, I'll move you to the hole, Powers. Gary already has two murder charges. He don't need no more."

"Just get me out of here," said Powers. "Just put me in the hole."

After the transfer, Big Jake returned and said, "I'd like to bring him in here some night, and have you guvs work on him. We can't do it, and he sure could use it."

Gary didn't want to say no to Big Jake's request. It would have to hurt future negotiations on bringing Nicole into his cell. Still, Gary took just a short pause before he said, "I won't, Jake. Powers is a prisoner like me. I can't work for you guys."

"Well," said Big Jake, "that's cool."

~~September 22~~

~~I know I kind of feel sorry for this Powers cat. He doesn't know anybody, he's from Ohio. He's got all the jailers~~

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~~and probably all the prisoners too, down on him. I don't know what happened in the main tank, maybe he was a bully, I don't know, and I don't give a fuck either. He was nice and polite while he was in here, seemed well educated but sort of dumb, kind of naive, you know?~~

~~I made it plain to him when I asked him to leave that it was nothin personal, just too crowded in here. I could tell he was anxious to get out, he felt uneasy.~~

~~There was something lonely about the guy and I guess that's what made me feel sorry for him.~~

~~Oh, well. Good luck, Powers.~~

Next day, they took Gary over to the nuthouse for a short psychiatric in the morning and he came back late for lunch. Big Jake gave him a Ding Dong extra from the kitchen consisting of a double sandwich and a couple of pickles, plus a piece of fresh fruit. Gary said, "Hey, I really appreciate that."

Big Jake said, "Don't bother, Gary it's not mine to do you a real favor." When Gary kind of laughed, Big Jake said, "Gary, what would you do for me?"

"Well," said Gary, "is there anybody you want shot?"

"No," said Big Jake, "but thanks anyway."

When Gary told him what was said back and forth, Gibbs could agree that it was the end of Gary's dream of getting with Nicole all night in exchange for a saddle.

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Now, there was nothing to lose.

They got playful that afternoon. A few pats of butter were left from Gibbs' midday meal, and they decided to see who could flip the stuff through the bars so as to make the biggest splotch on the corridor wall.

Juan heard them carrying on, and came back to investigate. "Trow butter," he said, "Geelmore and Geebs you mees meal!" He went and got two trustees to clean up their mess and Geelmore and Geebs laughed so hard watching they got stomach cramps. "Juan," said Gary, rolling on his bunk, "is a tad bit retarded."

No dinner was served that evening. Around 8:30 Juan came back with a pot of coffee looking like maybe he felt a little sorry for them.

Gary asked, "Juan, are you married?"

Juan nodded.

"Do you have any naked pictures of your wife?"

Juan was shocked. "No," he answered.

"Well," said Gary, "do you want to buy some?"

It took Juan a couple of seconds. Then he shouted, "Geelmore, Geebs, I tired of your chit!" He slammed the door in the corridor.

Goddamn, thought Gibbs, Juan is the only toy we got.

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8.

Dr. Woods liked Gary because he felt a kinship with him. Woods felt as if he understood a few of Gilmore's obsessions, getting up on the middle of the trestle when he was a kid and racing the train, or standing on the railing of the top tier in prison were impulses familiar to Woods. He sometimes believed he had gone into psychiatry precisely to find a discipline that would allow one hand to keep a grip on the other.

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~~Well, with liberty, and friendship, he might have taken Gilmore on a rock climb, or, that is, might have, if he were still doing it. Woods felt again the fear of the last long fall years ago in an ice climb. That had ended climbing for him. The guy along had been killed in a crevasse. So Woods knew the depression that came over you when you ceased taking dares, and he also knew the logic of taking them in the first place. No psychic reward was so powerful as working out a dare successfully.~~

~~If you were really scared and went through it, and came out on the other side intact, then it was very difficult not to believe for the next few hours or weeks, or whatever duration of the good mood, that you were on the side of the gods. Sometimes it felt as if you could do no wrong. Time slowed. You were no longer doing it. For good or~~

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~~not good for pain, and it was habit forming. Gary was taking
12 pills at a time. That was abuse. Of course, he admitted
as much to Woods. There was a certain pride in Gilmore. He
wasn't about to look at Woods and say, "Okay, I'm going to do
a grovel type of manipulations with you just to get my pills."
He had too much pride for that.~~

When Gilmore would

~~after awhile, he did begin to~~ talk a little about the murders, ~~but that was no help.~~ Woods thought Gilmore was genuinely perplexed over his behavior. He kept repeating his feeling that there had been something really strange about it, as if he wasn't there. He kept going back to his feeling of being under water. "A lot of strange things," he would keep repeating. Then he would say, "Well, you know, it was inevitable."

This vagueness impressed Woods as being pretty straight and not manipulative. A convict trying to convince you he was insane would give more of a picture show. Instead, Gilmore was only giving Woods the impression of a man who was quiet, thoughtful and cornered. When he would answer questions, there was the unmistakable air of a man living simultaneously in many places, and so having to summon his mind from one level

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to another. Maybe that was why Gilmore had seemed so out of it at times, and so profoundly distrustful.

~~On the other hand, Gilmore had not gotten the benefit of interaction with the other patients. Gilmore had been in seclusion all the way. That had been altogether against Woods' own ideas of treatment. He had wanted Gary out with the patient population. They had a new brand of therapy to offer at this hospital and he was all for giving Gilmore some of it. Seclusion went against the spirit of the place. Still, the prison authorities had only agreed to transfer Gilmore from the county jail for these two and three-day visits if he were kept in lock-up all the way. So there you were.~~

Once placed in his hospital cells, Gilmore had certainly been perplexed at the way the hospital was run. He couldn't seem to figure out why the patients weren't on his side, and he made his comments about the high order of ass-holes and dick-suckers here. Well, Woods did not expect a new arrival to pick up the logic of the place that quickly, not if he was a convict who had spent nearly all of his last twelve years locked up every night in a cell the size of a bathroom, and lived by a set of rules and legends that would go strange in the world at large. The hero out at Utah State Prison these days was a convict named Garcia, who had cut off another convict's head, and

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~~dropped it from the third tier. That was one way to let the warden know convicts were still in some kind of command. Gilmore, being at the county jail and not at the state prison, would not have met Garcia, but he might have heard of him. Probably he would approve. It would conform to con's logic.~~

Of course, Gilmore's treatment by prison psychiatrists had been barbaric in the past, so that didn't make it any easier to get Gilmore to trust him, now. ~~It was a prison psychiatrist who had put Gilmore on probation~~ *It was a prison psychiatrist* ~~so concerned at the hospital, himself included, that no error he made with the guy, that the doctors kept seeing him in pairs. Later, he heard Gilmore had said, "One thing I have against Woods is that he never talks to me alone." Woods thought back on it and realized, yes, I really kept my distance from Gilmore.~~

~~Of course, he knew why. Becoming a psychiatrist had left Woods in a funny place philosophically speaking, and he did not like to stir his doubts. His own contradictions, once set moving, had a lot of momentum. Woods hadn't had, after all, the kind of upbringing that automatically placed you in the psychiatric establishment.~~

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~~kept on trying to hammer out a way to get some evaluation of
Gary as a victim of mental illness. Woods had to keep showing
them how it wouldn't work.~~

Woods hated prolixin, hated the stuff. ~~In his dreams~~

~~he even became a lawyer for a little while. Sometimes he
would feel in the morning as if he had worked all night cross-
examining the psychiatrist who had given prolixin to Gary.~~

QUESTION: ~~What was his dosage?~~

ANSWER: ~~Fifty milligrams, that's pretty much
average, standard dose.~~

QUESTION: ~~But he swelled up and he didn't, didn't he?~~

ANSWER: ~~Well, they get side effects from all these
anti-psychotic drugs. The more potent the
drug, the more apt they are to develop side
effects. Prolixin causes many more side
effects than Thorazine does.~~

QUESTION: ~~What would be the advantage then of using
Prolixin over Thorazine?~~

ANSWER: ~~Would only have to give him medicine one time
a week, rather than try to give it to him
every day.~~

QUESTION: ~~It's really a matter of administering it.~~

ANSWER: ~~That's right.~~

~~674~~
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~~ANSWER: Well, there's... well, I guess maybe you're
right. Really, we didn't know the direct
effects of these anti-psychotic drugs on
the brain cells. . . but like I said earlier
a person by dissecting the brain, analyzing
it, looking at it under the microscope, you
can't tell the difference between a brain that
has Prolixin in it, or the brain that doesn't.
That's where the problem is.~~

Woods wasn't at all certain that the Prolixin hadn't done
a real damage to Gary's psyche. Those liquid lobotomies could
defoliate whole fields of the soul and never leave a trace. Yet
how did you introduce the idea to a jury that any medicine approved
by numbers of psychiatrists might be so ^{evil} even in its after-
effects years later as to invite a mitigation of sentence?

~~again, Woods wished for a team lawyer, some absolute
dealer who could handle a jury like a basketball, take them up
and down the court.~~

Def

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VI THE TRIAL OF GARY MARK GILMORE

1

During her visits, Nicole and Gary had been talking about Percy Foreman and F. Lee Bailey. Gary said big league lawyers sometimes took on a job for the publicity, but there were no special elements in his case. A big lawyer would want money.

Of course, one of the really good ones, he said, might be able to get him acquitted. Or bring in a short sentence. Without money, however, they had to forget it.

She had no idea what a big lawyer would cost, but that was when she got the idea of selling her fucking eyes. She never told Gary, and in fact she felt a little dumb about it. She really didn't know how it came into her head. It might have had a lot to do with those commercials where they told you how much your vision was worth. She thought if she could get five thousand dollars, maybe that would pay for a good lawyer.

One morning she was hitch-hiking from Springville to Provo when a brand new Lincoln Continental Mark IV picked her up. There were a couple of middle-aged men in the front seat,

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well-dressed, smoking cigars, and the older one was short and fat and had a long Italian name. The other fellow looked all right except his hair was a little thin on top, and he laughed a lot. He kept saying his Italian friend was in the olive oil business, as if that was a big joke. She didn't know what they were laughing about and she didn't care, except that when they asked where they could drop her, and she told them the courthouse, her story came right out behind it and both men were interested, the Italian saying --why don't you help her get her boyfriend out? When the man who was driving heard Gilmore, he said, oh, sure, he knew the case, and gave her a card. He told her to call him in Salt Lake and make an appointment. Maybe he could do something.

Later, when Gibbs was told the fellow's name by Gary, he said that lawyer who left his card just happened to be the biggest criminal defense man in Utah, Phil Hansen. He had been Attorney General and everything. He had more volume of cases through his office than anybody in the state, and could perform miracles. Once, he even got a guy off who had shot a sheriff right in front of another sheriff. Gibbs said Hansen would sometimes take a case for free. Gary lit up.

Gibbs, however, went on to tell him that Phil Hansen was reputed to have a yearn for young attractive ladies. Gibbs

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wasn't going to pull any punches with Gary, he said, when he knew how jealous a man could get.

Gary sat right down and wrote Nicole exactly what Gibbs had said, then remarked it was up to her if she wanted to hitch a ride to Salt Lake to see Hansen. But in the letter he said, "If the guy makes any suggestive motions, get up and walk out."

Same night he got a letter that Nicole had left at the jail. It said, "No, he didn't ask for my body, but he will meet me at 2 o'clock Saturday at the jail to talk with you about your charges."

She had seen Hansen in a big office on the main floor right off the sidewalk on East Broadway with ten smaller offices and all kinds of people working there. He treated her like she was sure attractive, only he didn't put any pressure on her. Instead, he told her a story, said that the last man executed in Utah was named Rogers, and he had asked Hansen to defend him.

Phil had said he was busy, but if Rogers would get some money together, he'd get involved. Rogers told him there'd be no problem. He had a sister in Chicago with money.

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Well, no telling about the sister, Rogers never called back. Hansen let it slide by. Then Rogers was executed.

Hansen never knew if it was coincidental, but the morning Rogers met his death, he, Phil Hansen, bolted out of bed. Hadn't even known that was the day. Just bolted straight up in a cold sweat real early in the morning.

Later when he heard about the execution over the radio, Hansen swore he would never turn another person down for lack of money if a life was involved.

Look, he said, even if there was no money, he would represent Gilmore. ~~Then he~~ ^{Wrote} ~~Mr. Hansen even made arrangements with her to~~ meet Saturday afternoon at the jail in Provo.

Before she left, he put his arms around her, and gave her a nice hug and said, "Don't worry. Don't look so sad. They're not going to execute him." ~~He told her that he had never seen a case yet, didn't matter how bad it looked when you first took it, as you got into the story you could explain it to the jury.~~

Set
~~For instance, he said to her, even a person who would swear by capital punishment might have to change their mind if~~

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it was their mother on trial. "My mother's not like that,"
they would say. "Something went wrong." People were ready
for capital punishment only if they were sentencing a stranger.
The approach was to get the jury feeling they understood the
criminal.

Saturday, ~~came~~ Even though Hansen had said 2 o'clock,
she was there at 1:30.

~~She~~ never showed up.
Christ, she made an idiot of herself waiting, and the fucker
never showed. She called him later that afternoon, but it was
Saturday, and the office didn't answer. On Sunday when she
visited Gary, Nicole began to cry. She couldn't help it. She
had really been counting on getting a good lawyer.

2

~~Sept. 25~~

I used to visit houses of strange haunting beauty when I
half slept at times. I guess I was creating those houses with
thought forms, building them as I went, because their beauty
was so right to me. Tall towered houses like nothing on earth.

700

Sept 26

~~Snyder and Espain are supposed to try. All they want to do is leave themselves a good case for appeal. I don't even tell them how I feel about their bullshit. Those are the terms they think in, thats the way they're paid by the state to think. I'm not saying they are paid to sell me out, I'm not paranoid about it. But they are court appointed lawyers, they don't have the resource to do a proper job, they are busy with other cases, real busy, Esplin represents about half the people in this jail. I'll get no more than a token defense from them.~~

Sept. 27

I can't sleep in the daytime. Sometimes I try but I always wake up in a cold sweat and I hear the cars on the hiway and see the light coming brightly thru the bars and know how far away I am from it all. It feels like I'm being buried alive.

I know that dying is just changin form. I don't expect to escape any of my debts, I'll meet them and I'll pay them. I want to quit racking up such heavy debts though!

I fucked you all night in my mind Nicole. I sent love over all the distance to Springville, which is not at all a long

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ball o'chalk, I could run that meagre distance without stopping!
I loved you so hard and wet and long last nite Angel and I held
you to me tite tite tite and you felt good. I kissed your fore-
head your nose your eyes, your cheeks and long and wet on your
lips your neck I fucked your ears with my tongue and heard you
cry out oh oh oh oooh baby I kissed all down your body, put
your tits in my mouth all I could get in there and I put my
face between them sucked your big nipples fucked your belly
button pushed my tongue in your mouth in your cunt in your ass
your pretty fuckin ass. God I love your pretty pretty ass.
Whew! You got an ass that won't quit! You got a blue ribbon
first prize ass. You got an elf ass.

You're an elf. And I'm stone in love with you. . . .

~~Your honesty astounds me. I've thought long and hard of
you, little elf, of your experience--the men who have known you
have loved you, been loved in return, have used, abused, and
hurt you, made you love--I've thought of Uncle Lee. I under-
stand as well as I can Nicole.~~

I don't want you to live like a hermit without friends.

I don't give you any order or impose my restrictions.

But I don't like the idea of all those guys coming to
see you. . . .

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del

Because somebody gives you a ride hitch hiking, you have to become a friend, come and see you again and again, every few days-----? Fuck that.

I felt something yesterday that I didn't like. Vague, haunting----you smelled of beer. . .

I know the guys that come to see you must want more than company. I don't doubt you, but I know the flesh is weak.

You have always been so very honest and open with me, you are just Nicole and you present yourself just as you are, without presentation

Something jarred me yesterday and made me feel something I don't want to feel. Your face your tears, it reminded me of another time not long ago-----

Baby I guess I'm just an insanely jealous son of a bitch and a selfish motherfucker.

I don't like those friends of yours that come again and again for your company. Jesus Christ I've never heard of any men like that. Baby I'm a man--I know what guys want.

I don't want you having all them men friends.

Nicole had been living with opposite intentions, but she had gone to bed with Cliff and Tom a couple of times in that long

703

month of September, and it was hell to visit Gary afterward and shy away from certain subjects. Finally she decided that the only way she'd be able to find out if she loved Gary enough to be able to break through her fucking sloppy habits was to tell him one more time. So after this letter ~~where he told her~~ ^{where he told her} ~~she~~ ^{he}

~~didn't want her having all them men friends~~ ~~smelled of beer~~, she got her nerve together, and bought some

stationery in Walgreen's and wrote him a good long loving letter putting everything rich and sweet she could into it, and then at the end, as if she didn't want to spoil that stationery she picked up a paper napkin from the soda counter, and wrote a little on that. Tried to say as much as, when I get into situations and go to bed with somebody, it isn't anything. There isn't anything happening. She told him she couldn't think of anything but him. Finally, she wrote, "Oh, fuck, why not just say what I mean? Gary, nobody is ever going to fuck me but you."

Sept. 28

Baby the jailer just brought me your letter. You're always writing and telling me about getting fucked, getting fucked, getting fucked, getting fucked. Everybody fucks Nicole. Everybody. Everybody picks her up hitchhiking or see her 3 or 4 times a week just for the vibes the beautiful vibes feel the beauty just friends just company don't even have to know her just sit and listen to her talk about how much she loves Gary then fuck her. Goddam motherfuckin son of a goddam bitch.

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That was a neat napkin you wrote. "But man Baby you must understand what I mean by friends these friends are those that come to see me again and again for company and have not once demanded physical or mentally my physical attentions."

You write me that goddam motherfuckin lie. . .just sat down and wrote me that fuckin lie and signed it love. If you feel so much motherfuckin sympathy for someone that you'll fuck him why Oh Jesus Jesus Jesus fucking Christ Goddam Goddam fucking damn

Baby Jesus Christ help me to understand. I don't look at life like that. I've never been in love before I've been locked up all my fuckin life I guess I'm emotionally crippled or something cause I'm one person that can't share his woman. Other people might be able to do that, might not give a fuck if somebody fucks what is theirs but I'm Gary. Somebody fucked you. Somebody kissed you. Somebody kissed you saw your eyes roll back, well, I guess its your bod and your life. Fuck everybody in Utah if you want to. What do I care? What do I care? I care all. I care everything.

Nicole--is my love not enough to suffice for even one small lifetime--my love for you can it not be enough? Do you have to give your body, your self? your love to other men?

Am I not enough? I can't fuck. I'm locked up. Why can't you
go without too?

DON'T fuck those "lovely" cocksuckers that want to fuck
you. They make me want to commit murder again and I hate to
feel that kind of thing. Get those bastards away from our
life. Get rid of those motherfuckers. If I feel like murder
it doesn't necessarily matter who gets murdered. Don't you
know that about me? Murder is just a thing of itself, a rage
and rage is not reason--so why does it matter who vents a
rage. That's the first time I've consciously acknowledged
that insane truth. Perhaps I'm beginning to grow. . .grow
with me. Love me. Teach me. Learn from me. Softly grow
stronger with me. O Fair Nicole.

Jesus what a letter. I guess them ghosts will attack
me to nite. I can't stand the thought of some son of a bitch
fucking you. You know what hurts so bad? Not only the thought
of you getting fucked sucking some motherfucker's cock all the
way down your throat but they kiss you too. And you would
have to kiss them back, put your arms around them AND FUCK
GODDAMN THAT SHIT MOTHERFUCKER JESUS CHRIST make me wish I
could erase the whole world. Cause all creation to cease to
be. My Nicole? My Nicole? Who's Nicole? Take your life?

766

Thats what you wrote you said you fucked one guy twice. I
think that's what you said I ain't gonna read it again. Why
not just fuck everybody all the time its the same thing to me.
You know Lonny the red haired jailer here who gave you a ride
one day. Was it him that you fucked? Does he look at me and
think "I'm fucking Gilmore's girl?" Oh Jesus. I can't stand
this. I can't take it. Fuck this shit. Fuck you. Goddam
mother fucker can't you break your fuck habit? Nicole, Nicole,
Nicole. Them are ugly ghosts aren't they? Jesus. Ugly ugly.
OOOOH GODDAMN! Fuck. I think I got it under control and it
gets away again. Nicole I ain't trying to do anything. Pro-
bably shouldn't let you read this.

Goddam. Your letters both of them that I got today
smell so good they smell like you. Baby this is an ugly letter.
It goes from reason to rage.

Honey when you read this letter know that I love you.
That I don't understand this thing as well as I thought I did,
that I hurt immensely, go back and cross out the parts that
hurt you. don't want to hurt you Angel Angel Angel Fair Angel.
I can't decide to give you this letter or not am I just sitting
here writing words that won't be read? OOOOH Baby. You'll read
this. You knew before you got it that you would be reading this

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right now. You can read it over and over. But you'll never
get another letter like this from me again. I know the emotion
here and if you want to feel this you'll just have to read
this letter over. Cause I'll never tell you again of my hurt.

NOTHING IN THE WORLD, NOT BLINDNESS, LOSS OF MY VERY
EYES, LOSS OF MY ARMS OR LEGS, BEING TOTALLY PARALYZED, PUT
ON PROLIXIN, NOTHING COULD HURT ME WORSE THAN TO KNOW YOU
GIVE YOUR BODY YOUR LOVE TO SOMEONE ELSE.

His letter had more pain in it than she had known anyone could ever feel, and she felt modest in the middle of her own sorrow, as if a quiet person in heaven was crying with her too. So she wrote to him that she would never again do any of the things that tore his heart, and brought that look of pain into his eyes, that unbearable pain. She told him that she'd rather be dead than to cause such pain again, and would he please not let her live through another moment of his doubt. That she would want her life taken away if her eyes ever lied to him again. And she left the letter at the jail.

~~On the last day of September, just before dawn, four~~
~~cops brought in a stocky-built dude with a neatly trimmed~~

708

Know GARY that you too have habits that are not so easy to break. That you GARY are not perfect - that you GARY will be a fool if you do not now understand this woman who loves you. But instead I wrote that ugly letter that I gave you yesterday-- Oh, Angel. Please have more faith and strength than I had in my moments of weak blind rage.

I have lain on the bed all day in a fog, a miasma, a senseless stupor. I'm sorry I'm sorry I'm so fucking sorry. All my body feels leaden and heavy. I barely answer Gibbs when he talks. I guess he can sense something is wrong. He keeps the radio turned off because he knows I can't stand to hear it.

3

Saturday October 2

Hey Babe,

Those ear rings you wore Friday were really neat. I'm sorry I haven't mentioned before how nice they looked and what it meant that you would choose to wear them for me and the little poem:

"Two men look out thru prison bars

One sees the mud

One sees the stars ✓

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Thank you darling.

Hey, I felt sorta awkward when we got to talking about fuckin and stuff Friday...
~~I sometimes say such dumb un-necessary things. I loved being naked and in bed with you. You're terrific. I loved it when you come. I was always fucked up on Fiorinal and booze and that robs me of vitality. I believe you always understood but still it bothers me.~~

~~Gosh now I feel all awkward again.~~

I been jackin off so much in these past few weeks thinkin of you and the things we did--well, I got to feelin like I was jackin off too much, 2, 3, 4 sometimes 5 times a day. Now they give me a little Fiorinal and that sleeper Dalmine at nite now and downers down me, and I don't jack off so much no more.

Aw, baby, it's just always bothered me cause I never felt like I really gave you a great wild sweating all controls gone down to earth honest to gosh fuck. Sigh! I was just so hooked on that booze and Fiorinal and I knew at the time that it was fucking me up sexually and I was robbing myself of something so much sweeter and neater. Guess I've mentioned that enough times that you see it bothers me. Plus, Baby Nicole, I was just a little shy around girls, around you, I mean really, it had just been so damn long since I was with a chick. I don't mean that to sound like I ever messed with punks in the joint, I didn't except the time or two I told you I kissed a couple pretty boys and even once fucked one young pretty boy

in his bootie. But it weren't nothing and I didn't dig it.
I've always dug chicks but I was away from them for so damn
long that I was downright shy about even being naked with you.
You were always so beautiful gentle and patient and under-
standing about it. I think in the first week or so you had
me relaxed and feeling purty natural again. I had been locked
up for 12½ years. I ain't offering excuses or nothing but that
amount of time made a difference that I wasn't even aware of.

When I was a teen-ager pussy was tight. I mean it was
hard to get. Girls didn't have the sexual freedom they do now.
They even talked different. I never heard a girl say fuck. Just
wasn't done. You've seen Happy Days on T.V. -- well, things
weren't quite that dumb but not far from it, really.

Man, if you got in some chicks pants when I was a kid
you were doing something. I got pussy now and then but you had
to work at it, morals were different. Girls were suppose to
remain virgins till married. It was like a game, ya know? Lots
of flirting and teasing. When a girl finally decided to let you
fuck her she'd always put on this act like she was being taken
advantage of and 9 times outa 10 the girl would say "Well,
will you still respect me?" Some goof-ball shit like that. Well,
the cat was always so hot and ready to go by then that he was
ready to about promise anything, even respect. That always seemed
so silly, but it was just the way the game was played. I had a
chick ask me that once, a real pretty little blond girl, every-
body really was hot for her ass and I had her alone one nite in

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her house. We was both about 15 and necking pretty heavy both
getting worked up and I was in and I knew it and then she came
up with that cornball line: "Gary, if I let you do it would
you still respect me?" Well, I blew it. I started laffing and
I told her: "Respect you? For what? I just wanta fuck and
so do you, what the fuck am I sposed to respect you for? You
just won a first place trophy in the Indianapolis 500 or some-
thing?" Well, like I said I blew that one. . . .

~~Oh well. There's still 2 or 3 weeks. If Gibbs makes bail--~~
~~but the time is right right now. This is the best time. That~~
~~fool Wetback Juan is on at nites now and he never comes back~~
~~here to check on me. He don't check the bars for cuts. He~~
~~just sets out there watching cop shows on the boob tube. Also~~
~~this is the perfect time for me to get the shoes -- just before~~
~~I got to court it would be so natural for Snyder or Esplin to~~
~~bring me a pair of ones and twos.~~

October 4

I've been trying to draw your picture but I feel my
talent is really meager. Your marvelous beauty deserves the
touch of...Rembrandt or Gainsborough, Renoir or Rubens. --

I can't allow myself to feel any fear. I, of course,
desire to escape punishment by escaping this jail, or, you know
I've considered suicide. But I know full well the position I am

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in: that I killed two young men who probably didn't deserve to die at that point in their lives. I would be a fool to think that I could ultimately escape the consequences of those acts. And what will be will be. If I'm allowed a reprieve in the form of acquittal or escape, I'll take it. I'll take whatever air I can get. If I have to spend a number of years in prison and the law will thereby consider the debt paid, then I will consider it paid, too. Though it may ultimately take more sacrifice on my part, I don't know. If I am sentenced and have to die for this I'll accept that with grace and dignity.

Sterling finally said he wouldn't sew the hack saw into the shoes. A lot of precious time had gone by. Nicole decided to try it herself. She bought a pair of brogans at the thrift store, and cut a little slot in the sole with a razor. With a lot of work, she was able to push the blade in, but it was too long and so she took a chance and broke the blade in half. She could get that much in. But when she tried to sew up the slit, it looked a mess. They would never pass those shoes.

The trial was to take place in the District Court of Utah County, up in Judge Bullock's courtroom 310 in the Utah County Building, the largest building in downtown Provo. It

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was a gray, massive, old lion of an edifice reminiscent to Noall Wootton of a thousand other government buildings that had a Greek pediment supported by stone columns at the top of broad steps, and a stone balustrade around the roof, but having been born in Provo and grown up in Provo, Wootton kind of liked going to Court there, and this was going to be the biggest murder case he had yet tried. As invariably happened to him before a big case, his stomach went in knots. He was that sure of a conviction on this occasion, that he felt it would be his fault if he didn't get the death penalty.

Wootton's academic career was not unlike the background of other lawyers in that area. He had gone to BYU and transferred to the University of Utah to go to law school. No great desire to be a lawyer, not in the beginning anyway, just that his father was a lawyer and Noall had figured what the hell, he could take the course. He didn't have to go into it, could try business afterward, or do just about anything he wanted. When he got out, he was offered a job with the FBI and a position with United Airlines, but his father offered to take him in and he thought his dad was the best lawyer he knew. ~~It all worked out well, especially since his older brother had become a plastic surgeon in Santa Monica, and the younger, an estimator for a contracting firm in Ogden. Noall was, therefore, the nearest thing to keeping the family tradition going.~~

714

Noall's father taught him a great deal, no question about it. Noall soon decided, however, that being in an office all day was not his ideal. He enjoyed a courtroom. The more you could get him in one, the happier he was. He was also happy in Provo. He felt a certain contempt for the young lawyers around him who went to Salt Lake or Denver or LA to work because they just ended up staying in back rooms preparing cases for big city trial lawyers. What Noall wanted was to be in the courtroom against those big city trial lawyers knocking them down.

He started by doing defense work, but came to the conclusion that most of his clients were punks, and guilty as hell. They just wanted to get off. Noall didn't feel that was his responsibility. He thought his duty was to find out if they were guilty of the charge filed against them, and whether their constitutional rights were being protected. He was there to make certain they were not convicted if innocent or not overcharged, if guilty. They wanted to get off at all costs, guilty or not. Noall couldn't buy that. ~~He began to think prosecution~~ *Eventually he switched* ~~was the way to get~~ *over, became a prosecutor.*

~~What brought this home was the case of a man he defended who had much the same background as Gilmore. The fellow, Harlow~~

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cut her throat, removed the baby from her body, stabbed the baby, went home.

~~It had been difficult to decide whether to go for the death penalty. Wootton hadn't. The boy in this case was a nice-looking eighteen year old high school student with no prior criminal record. Just a kid in a terrible trap who ran amok. Wootton thought, well, I'll go for life. Now the boy was in prison on just such a sentence, and might be brought around eventually.~~

Wootton, ~~in fact~~, was not a terribly strong advocate of the death penalty. He just didn't know whether it had a deterrent effect on other criminals. He was looking for maximum sentence with Gilmore on the basis of risk. Gilmore alive was too much of a risk to society.

On October 4, Monday, the day before the trial would begin, Craig Snyder and Mike Esplin paid a visit to the County Jail and had a long conference with Gary. Whenever he would ask, and he did, "What do you think my chances are?" Craig Snyder would say, "I don't think they are good--I don't think they are good at all."

Gary would reply, "Well, you know, this doesn't come as a big shock."

They had gone through the reports of the psychiatrists one more time, and made a special appeal to a number of them; there was not one psychiatrist whose testimony would declare Gary to be certifiably ~~insane~~. For that matter, Gary's opinion was identical. "Like I said," he remarked, "I can get on now, and convince the jury that I'm out of my head. But, man, I don't want to do that. I resent having my intelligence insulted."

Sketch

~~Snyder and Esplin spent a great deal of time trying to explain to Gary that no matter what problems he had had in the past with psychiatrists, his best shot would still be to open up, and let them give him a full, fair evaluation. Only in the depths of a detailed search into his psychology might something useful for his case develop. Gary repeated, "I could fool those psychiatrists if I want to. It's just that I don't want to." Snyder would say, "Well, I don't want you to either, Gary. I just want you to lay it all out for them."~~

Then there was the business of Hansen. Snyder and Esplin agreed they would be happy if Phil Hansen, who was one of the best criminal lawyers in the state, came in. ~~They said no lawyer was going to be so egotistical as to take a position that~~

But

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~~he didn't want or need the best professional aid available. Of course, time had gone by and Hansen didn't get in touch. They in turn didn't feel ready to pick up the phone. They had nothing more, after all, than Nicole's story to go by. It could prove embarrassing if she had misunderstood what Hansen had promised.~~

stip.

~~They~~ They talked to Gary again about putting Nicole on the stand. "I don't want her brought into it," he said, "I don't want anything to do with that." Obviously, she would have to say that she had provoked him unendurably, and probably have to specify some sordid details. He wasn't about to have any of that. In fact, he was furious that Wootton was going to call Nicole for a witness. Witnesses were usually excluded from the courtroom. He would not permit that, Gary told them. He would sooner allow all of Wootton's witnesses to be present and listen to the case. Snyder and Esplin quickly pointed out that this would give an advantage to the other side. Wootton's witnesses would be able to hear what witnesses before them had said, and so everything in Wootton's presentation would come out smoother. No matter, Gary told them.

~~Snyder and Esplin now tried to tell him that it was too much of a loss. If the witnesses for the prosecution were not~~

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~~able to hear each other, they would inevitably be more nervous~~
~~when they got to the stand. Since they wouldn't know what they~~
~~were stepping into. The simplest question put to them could seem,~~
~~in ignorance of what had been said by others, to be a trap. The~~
~~subtlest shift of the defense lawyer's voice would bother them.~~
~~But, if they heard all the evidence that went before, which~~
~~was in effect what Gary was proposing, each witness for the~~
~~prosecution would be handed an understanding of his own part~~
~~in the case. That was a great deal for the defense to, however,~~
~~give away just so they could have Nicole in the courtroom.~~ Gary
seemed more concerned with having ^{Nicole} there than in saving his
life. ~~It reminded Esplin of the number of times he had gone~~
~~to the County Jail for conferences with Gary where nothing had~~
~~been contributed to the case, but Gary had given him a letter~~
~~to take out and mail to Nicole. "I'm not a lawyer. I'm a mail~~
~~man," Esplin had said to him more than once.~~

THE COURT: All right, Mr. Esplin.

MR. ESPLIN: Your Honor, at this point Mr. Snyder and I would ordinarily make a motion to have the witnesses excluded; however, after discussing it with our client, it is his request that the witnesses not be excluded. We have advised him that we feel that it is in his best interests and would better serve the defense of this case if these witnesses were excluded, as provided by statute, but it is still his desire.

THE COURT: Mr. Gilmore, is it your decision that the exclusionary rule should not be invoked?

MR. GILMORE: That's right.

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when Gary went on trial ⁵ for the murder of Ben Bushnell, Nicole -- and all of Wootton's witnesses were present in the courtroom. Wootton began by explaining to the jury what he expected of his witnesses.

"Each one will give you a small piece of the overall story, and the purpose of this opening statement is to tell you what the basic story is.

"They will tell you about how the defendant, Gary Gilmore. . .left the motel where he had robbed Mr. Bushnell, put a handgun to his head and pulled the trigger, killing him. The witnesses will tell you Mr. Gilmore. . .walked down the street with the motel cash box in one hand and the pistol in the other hand. . .abandoned the cash box at the end of the block, . . .and abandoned the gun. They will tell you how shortly thereafter he was seen at a service station on the corner of Third South and University Avenue where he picked up his truck, at that time bleeding rather profusely from an injury to his left hand. The witnesses will tell you how they traced the blood trail from the service station back up the sidewalk and where it stopped at a pfitzer evergreen bush that was planted along the side of the sidewalk. They will tell you how they examined the interior of that pfitzer bush

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and found a 22 automatic pistol that appeared to have been discharged in the pfitzer bush, because it had weeds and leaves in the automatic portion of the gun. They will tell you that they found a shell casing there. You'll also hear testimony that the investigators at the motel office where Mr. Bushnell was killed found another 22 shell casing. You'll hear expert testimony to the effect that the slug in his head was in fact a 22 caliber slug fired from a gun with the same type of lands and grooves, they call it, that's the markings inside the barrel, as the 22 pistol that was found in the pfitzer bush. Now at this point I'm not going to ask you to find the defendant guilty or not guilty. Basically I'm only going to ask you to do four things for me. I want you to watch these witnesses closely. I want you to listen to them very carefully. I want you to think about the case deeply, and judge it fairly.

As the eighteen exhibits and twelve witnesses were presented during the length of that day, as episode by episode Wootton presented his case much as he had announced it, so it was left to Snyder and to Esplin to raise doubts, where they could, or limit the authority of the witness. So Esplin got the first witness, Larry Johnson, a draftsman, to admit that his plan of the motel drawn to order a week before could provide "no idea as to what plants or vegetables were growing on the 20th of July" around the motel windows. It was a small point, but it might keep the jury from being overimpressed with the fact of the exhibits themselves, those eighteen exhibits.

The next witness, Detective Fraser, had taken a number of photographs of the motel office. Esplin got him to agree that the position of the drapes at the time of the murder might

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have been different than their position next morning when these photographic exhibits 4 through 9 had been made.

~~MR. ESPLIN: There may be individuals who could have adjusted the drapes so from nighttime to daytime conditions and vice versa.~~

stet

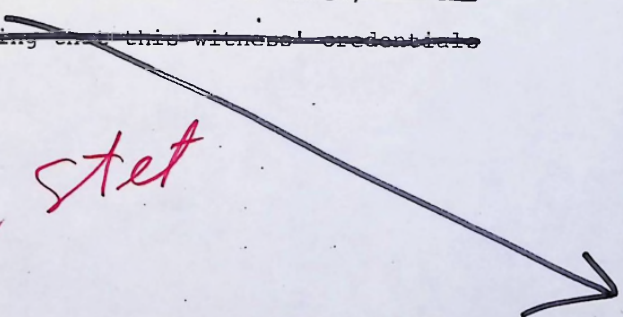
~~DETECTIVE FRASER: Yes.~~

~~MR. ESPLIN: Your Honor, we have no objection to the exhibit 6 being in evidence only.~~

So it went. Small details, small admissions. Small corrections and small adjustments on the case Wootton was making. When Glen Overton came to the stand and described the appearance of Benny Bushnell dying in his own blood, and the demeanor of Debbie Bushnell as he drove her to the hospital, the defense was quiet. Whatever images of carnage and grief had been deposited with the jury would have to be left intact. The defense was not going to maintain the life of those scenes by cross-examination.

The fourth witness, Dr. Morrison, ~~was the~~ Deputy Chief Medical Examiner of Utah, ^{who} ~~and~~ had performed the autopsy on Bennie Bushnell. ~~Wootton was going to ask him to prove that~~ ^{testified that the gun had been placed directly against} Gilmore held his gun to Bushnell's head ^{when the trigger was pulled. Then,} ~~Wootton began by establishing that this witness' credentials were impressive.~~

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MR. ESPLIN: The only reason that you indicate that the gun was close to the skin of the decedent is because there were powder burns and particles embedded in the skin?

DR. MORRISON: No, sir. The absence of powder burns and powder stippling on the skin would indicate that there was no distance between the end of the barrel and the skin at the time the weapon was fired.

MR. ESPLIN: It is your testimony that you didn't take those things into consideration, though, is that correct, the things you've talked about, about the load of ammunition?

DR. MORRISON: In this particular case I did not feel that the type of ammunition or the specific type of weapon would enter into or present a problem as far as the determination went. However, I was informed at the time I did the autopsy the weapon was a handgun.

MR. ESPLIN: But you didn't examine it?

DR. MORRISON: But I did not examine the weapon, No, sir.

The art of cross-examination might be to know when to leave a witness alone. There was not much art here to afford. The defense had to gamble. If nothing else, the vigor itself of the cross-examination could confuse the jury. So, even as Dr. Morrison was saying that he did not need to know the gun nor the ammunition since in this case neither affected the result, so Esplin was obliged to give that opportunity in return for gaining the admission that Dr. Morrison had not examined the weapon. Some little ripple of doubt might thereby be entered against the testimony.

→ Martin Ontiveros came next and established that Gary had left his truck at the service station two blocks from the

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motel, ~~and~~ ^{and} went away for half an hour. When he returned, ~~with~~

~~and~~ blood on his left hand. ~~After~~ ^{and} after Gilmore left,

~~Martin~~ ^{said} Onteveros found blood in the bathroom of the service station 

~~station.~~ Esplin tried to suggest it could be someone else's blood, but Onteveros said the bathroom was clean when he went to it just before Gilmore returned.

"How long would you say?"

"Oh, ten minutes."

During that unaccounted for ten minutes some other party could hypothetically have been hemorrhaging in the same restroom. ^{defense lawyers} As they would soon say to Gary, he was, as things stood, 99% guilty. They were trying to enlarge the one percent.

^{Lee} Ned Lee, a patrolman, had found the gun in the bushes.

~~Lee~~ had come to it by retracing the trail of blood that Gilmore had left behind him on his way to the service station. ~~"Any-
thing liquid has a tendency to flow in the direction you are
travelling," he said, and so they were able to determine that
Gilmore's movements had been from the place in the bush where
he hid the gun on eastward to the service station when Ontiveros
saw him.~~ There was little for the defense to do with ^{Lee's} testi-

mony. ~~They did ask if the entrance to the restroom was on the
inside or outside of the service station. Since it proved to be~~

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~~on the inside that only helped to confirm the likelihood
that nobody could enter the bathroom unnoticed by Ontiveros.~~

Detective William Brown received the cartridge case and gun from Patrolman Lee and had them photographed in the position they were discovered. Wootton offered the photograph as Exhibit Three.

MR. ESPLIN: Officer Brown, did you take that photograph?

OFFICER BROWN: No, sir.

MR. ESPLIN: Were you present when it was taken?

OFFICER BROWN: I don't recall, sir.

MR. ESPLIN: Do you know who took it?

OFFICER BROWN: No, sir. I don't.

MR. ESPLIN: We object, your Honor. Improper foundation.

MR. WOOTTON: I've laid a foundation. I don't have to bring a photographer in every time.

MR. ESPLIN: Your Honor, he has to establish that the witness was there when it was taken.

MR. WOOTTON: Your Honor, I don't have to establish when or under what circumstances it was taken. All I've got to establish is he was looking at the bush and he looked at the photo and it's the same.

Still, it was a small gain. One more exhibit slightly tainted. You never knew when a few small gains could contribute to a surprising effect.

MR. ESPLIN: You did dust the weapon for fingerprints, is that correct?

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DETECTIVE BROWN: Yes, sir.

MR. ESPLIN: Did you find any prints?

DETECTIVE BROWN: I found one.

MR. ESPLIN: Did you transmit that to the F.B.I. laboratory as well?

DETECTIVE BROWN: I did. . .

MR. ESPLIN: What were those results?

DETECTIVE BROWN: They needed a better comparison.

MR. ESPLIN: In other words they couldn't make a determination?

DETECTIVE BROWN: Right.

MR. ESPLIN: No further questions.

When Gerald Nielsen came on, Wootton never asked him about the confession. Nielsen merely testified to the existence of a fresh gunshot wound on Gilmore's left hand at the time he was arrested.

Gerald F. Wilkes, a special agent with the F.B.I., was an expert on ballistics and firearm identification. ~~He testified that Gandy's gun had killed Bushnell.~~ ~~He testified that the evidence by which a bullet~~ ~~plained could be described as "the science by which a bullet~~ ~~cartridge may be identified as having been fired by a~~ ~~particular weapon to the exclusion of all other weapons in the~~ ~~world. In other words, speaking, no two weapons are the same."~~

~~Mr. Wootton: Sir, based upon the education and the training and the experience that you have had in the field that you have told us about and based upon the examinations that you made of the exhibits you have just described for us, did you arrive at any conclusions?~~

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MR. WILKES: Yes, sir.

MR. WOOTTON: Would you tell the Jury, please, what your conclusions were?

MR. WILKES: As I stated, I could not make a determination as to whether this bullet was fired from this particular weapon because this bullet does not bear sufficient microscopic marks for identification purposes. However, based on my examination of these two cartridges, I was able to determine that both cartridge cases were fired with this weapon and no other weapon.

Esplin had no recourse but to ask questions that might receiving damaging answers.

MR. ESPLIN: In your analysis, is there a certain number of marks which must be on a particular item of evidence. . . before you are able to say beyond a reasonable doubt that that cartridge was fired by the same gun?

MR. WILKES: No, sir. I fix no minimum number of microscopic marks to effect an identification.

MR. ESPLIN: Do you have any idea of how many marks, similarities or points of similarity you found between Exhibit No. 12 and the test cartridge which you fired in the laboratory?

MR. WILKES: The marks of a similarity were many in number and were contained around the entire circumference of the cartridge case. It's so many microscopic marks in fact that it left no doubt in my mind as to the conclusion I reached.

Now came Peter Arroyo, who ^{gave} ~~gave~~ direct testimony that he saw Gary in the motel office.

~~MR. WOOTTON: What was he doing?~~

~~MR. ARROYO: He was looking down, and he had a cash box on the top counter.~~

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stat

~~MR. WOOTTON: Tell us what happened then.~~

~~MR. ARROYO: He was coming around the counter to walk~~
~~out when he saw us.~~

~~MR. WOOTTON: How far away from him were you at that~~
~~time?~~

~~MR. ARROYO: Oh, somewhere between ten feet.~~

~~MR. WOOTTON: Was he inside the office?~~

~~MR. ARROYO: Yes.~~

~~MR. WOOTTON: And you were out in the driveway?~~

~~MR. ARROYO: Yes.~~

~~MR. WOOTTON: Did you observe anything in his possession~~
~~at the time?~~

~~MR. ARROYO: Yes.~~

~~MR. WOOTTON: Tell us what you saw.~~
MR. ARROYO: In his right hand he had a pistol with a
~~long barrel. In his left hand he had a cash box~~
~~from a cash register. . . .~~

~~MR. WOOTTON: Are you able to describe the pistol for us?~~

~~MR. ARROYO: Yes.~~

~~MR. WOOTTON: Tell us how you observed it.~~

~~MR. ARROYO:~~ He actually stopped when he saw us. I
looked right at him, I looked at the gun, and I
looked up at his face to see what he was going
to do with the gun. I thought he worked in the
office and he was fooling around with the gun.
I was concerned about that. So I looked right
at his eyes. And he just stopped and looked
at me. And after a few seconds he turned around
and walked back around the counter. . . .

~~MR. WOOTTON: What did you do?~~

~~MR. ARROYO: He kept on walking right to the car. . . .~~

start

MR. WOOTTON: What did you do then?

MR. ARROYO: We started unloading our car. I kept watching the office.

MR. WOOTTON: Did you observe anything more and further unusual, sir?

MR. ARROYO: Yes. After my son got upstairs with the suitcase, this man came out from behind the counter, walked around the counter to the front door, opened the door, turned left and walked up the street again.

MR. WOOTTON: Did he have anything in his hand then?

MR. ARROYO: Yes. He still had the cash box in his left hand, and the light was not as good there, but he still appeared to have the outline of the gun in his right hand.

MR. WOOTTON: Is that the last time you saw him?

MR. ARROYO: Yes.

MR. WOOTTON: What did you do then?

MR. ARROYO: We went into the office.

MR. WOOTTON: What did you observe?

MR. ARROYO: When I opened the door I heard the girl holler for help from the other side of the left hand counter. I thought at the time maybe she was just gagged or somebody had robbed her. But when I went around the other side, her husband was laying on the floor and she was screaming for help. She half way turned him over, and he was laying in a puddle of blood.

MR. WOOTTON: Mr. Arroyo, do you see the individual in the courtroom now that you observed with the gun and the cash box at that time?

MR. ARROYO: Yes.

MR. WOOTTON: Would you identify him for the Court and the Jury, please?

MR. ARROYO: The man with the red jacket and the green shirt. (Indicating)

MR. WOOTTON: Seated at the counsel table opposite me?

MR. ARROYO: Yes.

MR. WOOTTON: Your Honor, may the record reflect that the witness is identifying the defendant?

THE COURT: It may so show.

MR. WOOTTON: Your witness.

CROSS EXAMINATION

MR. ESPLIN: Sir, could you describe the individual that you observed in the motel office that night?

MR. ARROYO: Yes. He appeared to be a little taller than I am. . .

MR. ESPLIN: What other characteristics would you describe?

MR. ARROYO: He had a vandyke type beard and long hair.

MR. ESPLIN: What other distinguishing characteristics do you recall?

MR. ARROYO: His eyes.

MR. ESPLIN: What do you recall about his eyes?

MR. ARROYO: When I looked at his eyes, it's kind of hard to describe. I'd never forget those eyes.

MR. ESPLIN: Did you see the color of his eyes?

MR. ARROYO: No. Just the look.

It was palpable enough to wince. Not hard to comprehend what Arroyo meant. Gilmore had been looking at Wootton in just such a way throughout the testimony.

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After Arroyo stepped down, the prosecution rested its case. Esplin stood up and said the defense would also rest.

THE COURT: You do not intend to put on any evidence?

MR. ESPLIN: No, your Honor.

~~THE COURT: Very well. Both sides having rested, then it would be the duty of the Court to instruct the Jury with reference to the law in the matter . . . I am about ready to instruct, but it would take about a half an hour and would require us to again go into the evening quite late. My understand is that there are the great debates on tonight.~~

The judge was referring to the election debate between Jerry Ford and Jimmy Carter that would take place that evening.

~~THE COURT: . . . I think that in the interests of everyone that I will instruct in the morning rather than tonight and then we'll complete the case tomorrow. Any reason why we can't convene at 9:00 o'clock in the morning? Mr. Wootton.~~

~~MR. WOOTTON: No.~~

~~THE COURT: Mr. Esplin.~~

~~MR. ESPLIN: No, your Honor.~~

~~THE COURT: All right. Mr. Dennis, would you please come forward and Mr. Smith, would you please give the bailiff the oath.~~

~~(WHEREUPON, the bailiff was duly sworn to take charge of the Jury.)~~

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6

October 6

I just got back from court.

Wow!

I had told you that I didn't expect much from Snyder and Esplin but I was not prepared for the fact that they intended to put up absolutely no defense at all.

To say I was surprised when Esplin rested the case would be a hell of an understatement.

They never told me that they were gonna do that -- offer no defense at all.

I couldn't believe it!

I figured on some sort of defense--no matter how meager.

I thought they would at least try to get a second degree conviction.

Its a dead certain cinch right now that I'll be convicted on first degree--and Esplin and Snyder knew this when they rested today.

They never told me they were gonna pull that shit.

They acted guilty and defensive as a motherfucker when I confronted em about it after the trial.

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They didn't even try.

All they want to do is leave theirself a case for appeal and they haven't even done that.

That's the way it is with court appointed lawyers.

It had been what Esplin would characterize as a stormy conference. Gary wasn't hollering but he was very uptight. They were all locked into the commission chambers at the county building with a couple of officers at the door, and Gary was letting them know he was not happy.

"I thought you'd call a psychiatrist or something."

They explained again. They would call one at the Mitigation Hearing tomorrow, but there had been no point to do it for the trial itself. Since no doctor would say he was legally insane, they'd only be helping the prosecution. It would make it easier for the jury to convict. This way, a few of the jurors might have questions of sanity.

"Couldn't we have called somebody?" he asked, "just for appearance's sake?"

They laid out their strategy. It might not be as bad as it looked. Number one - the prosecution hadn't tested Gary's blood against the blood they found on the trail. If it had come out O, which was Gary's blood, that would have been another nail in. Two, said Craig Snyder, they didn't have fingerprints off

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the gun. Legally speaking, therefore, the gun had not been attached to his hand beyond a shadow of a doubt. Three: the prosecution had neglected to put in the money from the robbery. They had the money, but they hadn't introduced it. Fourth, afraid of setting up an appeal, Wootton hadn't dared to use Gary's confession to Gerald Nielsen. The jury, said Craig, his eyes getting serious behind his glasses, still had to cross the bridge to find him guilty.

Not easy to sentence a man to death, was their unspoken remark. A lot of juries felt fear at the thought. If one sentenced a man to death, who could speak of what it would do one's dreams. A jury really had to get itself up to go across the bridge. If the case could be conducted with enough decorum, if the proceedings were kept calm relative to the seriousness of the offense, that, too, could give a jury pause. It would be hard to sentence a man to execution if no strong feelings were flowing.

At this point, Gary said he wanted to make a statement to the judge. He wanted to testify.

They said it was against their advice. The way it was, said Craig Snyder, he was 99% convicted. If he testified, it was 100%.

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Gary looked gloomy for a moment. "I did it," he said, "that's it." Then he insisted again on taking the stand.

They tried to think of what it would be like to reopen the case. It would certainly be messy. They thought again of calling Nicole but they had learned to live with the idea of not calling her. They had lived with that so long the thought of having her on the stand now was unsettling. It could boomerang. If the bad fight Gary had had with her on the highway, the kids screaming, ever came up, if it ever came out that Gary had had guns in the car and was driving with children, no, Nicole was also a bad gamble.

It was left up in the air that night. Each of the three men slept by his own best means.

7

Nicole was in her own state of agitation. She hadn't even been in court that morning. Gary, she learned, had made a speech to the judge to allow her to stay in the courtroom,

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and she hadn't even been there. She had been too sick with how Gary had acted the day before when they were choosing the jury.

He had never spoken to her about her letters, the one where she told him she would rather be dead than cause him pain by being with other men. He had never said a word until ^{when they chose the jury} the first day in court, the long, dull day, and then in one recess when they let her sit on the other side of the railing from him, he was real nasty to her, and made a terrible reference to the letter as if she were phoney.

She told him right there that if he wanted to, he could kill her in the courtroom, right where he stood. In fact, it was killing her for him to think the things he did. He just looked back at her sarcastically. Then he said, "How would I be able to go about it. With my arms in handcuffs and my legs in shackles?" She felt foolish. The things she said had been taken so lightly.

She hadn't slept all night, and then she went back to sleep in the morning after leaving the kids with a neighbor. She was dopy and hadn't felt as bad since the old days when they were living together--her body was out of sorts.

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Sure enough, she got to the courtroom around lunch time, and he couldn't have been happier to see her. It was like he had forgotten completely about the day before. Nicole just sat there in a trance all through the testimony with the FBI guy and the eye-witness. She didn't even know what was going on at the end of the day, she just felt further away from Gary than at any time since they got along so badly in Spanish Fork.

That night Sue came over and announced she was going to take Nicole out and get her drunk. Cheer her up.

Nicole suddenly realized that she wanted to let loose and get loose. She really wanted to dance. It wasn't really all that good of an idea, but there ~~was~~ was Sue, and Nicole let her take her out.

Gary was really the first guy Nicole had ever danced with out in public. Somehow she had always been real shy about dancing. In school she had felt that was something the kids who were in, did, but not herself. It was not until Gary made her get out on the dance floor with him, that she began to like it. Now, dancing tonight, it was dark, and the music reminded her of other times she had danced with Gary. It was like

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he was up there holding her, and she could turn around and close her eyes, and think she was dancing with him, wasn't, of course, and half miserable. She wasn't really interested in anybody but Gary.

She and Sue had started that night over at the Silver Dollar, but couldn't get in. Nicole had some trouble with her I.D., so they went on to Fred's Lounge. It was just natural to travel down that main road from Springville to Orem, no big deal. Sue set her up with vodka and grapefruit juice, and Nicole liked the tension in Fred's Lounge. They had a lot of Sundowners outside the place, standing around their bikes real easy like a motorcycle was as comfortable to them as loose change in your pocket. So she liked the tension in the place and danced with a couple of them, liked the way they were so dapper, the way they stroked a pool ball, or could spring from knob to knob of the pin ball soccer game with zip-zap moves of their hands.

A fellow who said he was the ex-president of the Sundowners, and acted like he was real together, began to talk to her, a sweet talker. She liked him. He was good looking, and had character, and was fun to dance with. But she kept going back to her own table with Sue.

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Then Sue seemed to disappear. She was out of the place for sure, and Nicole was left alone at her table minding her own business. That was when the ex-president talked her into going over to the Sundowners in Salt Lake. Nicole thought she would like to see what that club was all about. She had been hearing for years about that club. Maybe she'd get a little bit loose, have some beers, meet some people.

She started thinking very clearly about where this might end up, but it was already 2 o'clock in the morning. It would take nearly an hour to get to Salt Lake and there would be more of a party there, and more pool--she figured the daylight would arrive before there'd be trouble. Sure enough, when they got to Salt Lake, she just sat around with the fellow and listened to people, and talked a little bit, and lit up, and drank beer, and just got kind of wasted in a quiet way. Nicole remembered getting sleepy sitting on the sofa, an old beat up ragged sofa. It was nice at that club house, a place to enjoy the vibes, sort of like a bar set up right in the living room, with three or four motorcycles parked in the living room too. She just closed her eyes a few times and maybe nodded off and the ex-president kept coming and sitting by her, maybe touching her a little, must have been five in the morning when she said, "I want to get some sleep." He talked her into going downstairs. It was just a big room there with mattresses, and people falling out all over. Maybe some of them were putting it on. She lay down there

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in the basement with the other people and didn't fall asleep. Started to wake up a little, and wonder how the hell she was ever going to get out of Salt Lake by herself. When her friend came back, there was nothing impressive about it. He just got in bed with her and there was no way she could make him understand her logic in staying away. She had no desire, but she just didn't know how to convince him. Whatever she tried to say bounced off. ~~His head was as hollow as a gasoline tank, and he~~ kept asking her why she had her clothes on and he didn't. She tried to compromise a way out of it, but he must have had too much grass, because he couldn't get off that way. She finally had to let him into her. So she really blew the idea that she was going to be faithful to Gary, in life as well as in death.

In the morning, when she woke up, she felt as raw as she had ever felt. She wasn't scared that Gary would find out, she was just scared, period. She felt as if she were living in this awful place inside of herself where everything was dangerous and shitty. She would have cried but it just would have made the most awful crappy moaning sound.

It was a long morning. She had to get the ex-president of the Sundowners up to take her back to court, and it wasn't until court had already started that she got in. Riding from

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Salt Lake to Provo on the back of his bike, she knew that she would never lie about this to Gary, but she just didn't want to tell him and wouldn't. She shivered at the thought he would ask.

Riding in the back, riding behind the strange guy's back, she decided that she might never sleep with another guy for the rest of her life, not unless Gary could escape or be set free from his trial.

She never would let herself do anything again as uneasy to her personally, and as full of fear, as the thought that one of these days, one of her visits, Gary might look her in the eye and ask if she had made it with anyone? She did not know if she could tell him the truth. She didn't want to think, however, of the damage it would do to him inside if she actually lied point-blank while looking right into his face. She had enough worms in her right now.

JUDGE BULLOCK: Now, Mr. Esplin, you indicated to me in chambers that you had a matter to present to the Court which should be presented outside of the presence of the Jury.

MR. ESPLIN: Yes, your Honor. We'd also request that the courtroom be cleared for this matter. It's a matter of some delicacy.

THE COURT: Mr. Gilmore, do you request that the courtroom be cleared?

MR. GILMORE: Yes.

THE COURT: I will do so. I'll ask everyone to leave except court personnel, security people.

(WHEREUPON, the courtroom was cleared at 9:09 o'clock a.m.)

MR. ESPLIN: Your Honor. The defendant rested its case yesterday. . . Mr. Snyder and I had discussed that with him earlier in the week and we had indicated to him at that time that it was our opinion and our advice that he not testify in this case, that he exercise his right to remain silent throughout this trial, and we felt in our legal opinion, that he not take the stand. After discussing the matter last night and becoming aware of his desire to take the stand, again we discussed with him the various implications, both legally and the psychological effect upon the Jury we felt it would have if he took the stand, and again gave both our considered opinions which we expressed to him at the time that he not take the stand, that he remain silent during this trial and put the State to its proof. But again we assured him that was his decision and if he wanted to take the stand that he had a right to take the stand against our advice. We advised him to consider his decision overnight. We met with him again this morning. This morning down at the jail we again went over the reasons to remain silent in this trial, and asked him again to reconsider that decision. It's my understanding now that he does desire to take the stand, notwithstanding our advice.

THE COURT: Mr. Gilmore, do you desire to take the stand at this time?

MR. GILMORE: It isn't that I have such burning desire to take the stand, but I was simply unprepared for counsel to rest the case at the point they did yesterday. I mean, I'm on trial for my life and

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I have been expecting all along to present some sort of a defense. And when they rested yesterday, man, it appeared to me to be in effect tantamount to a plea of guilty to a first degree murder charge, because I don't see where the Jury could return any other verdict at that stage. And why have a trial? I mean I --

THE COURT: What evidence do you have that you want to present?

MR. GILMORE: Apparently I don't have any, according to my lawyers.

THE COURT: Do you have any or do you not?

MR. GILMORE: God, I don't know...I have feelings and beliefs and I guess these doctors don't concur with them.

THE COURT: Now, Mr. Gilmore --

MR. GILMORE: You have to let me finish.

THE COURT: Yes. Yes. Go ahead.

MR. GILMORE: I feel myself that I have a good insanity defense or at least a basis of it. But apparently the doctors don't concur. But the conditions that I talked to the doctors under were adverse. There were inmates present. The whole thing was not right. It wasn't fair to me, really. And it blew my whole defense off. I don't want to just plead guilty to first degree murder and accept a first degree murder conviction. It will take them less than a half an hour to find that, the way I see it right now. That's what I'm saying. That's what I feel, man. I mean I have been expecting all along to present some sort of case even if it's meager. And I think that probably the best thing I could possibly do would be to talk to them myself. I could do that at the mitigation hearing, but that's after they find me guilty. I'd like them to at least consider what I have to say before they go out.

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THE COURT: You can take the stand, if you care to. But if you do so you should understand fully the consequences of it.

MR. GILMORE: Man, I'm not, you know, telling you I'm burning to get on the stand. I just would like to present a defense. That's been my expectation all along.

THE COURT: Do you want to take the witness stand and testify?

MR. GILMORE: I want to present a defense. I just don't want to sit here mute and be --

THE COURT: My question to you is: Do you want to have the court reopen the case, --

MR. GILMORE: Right.

THE COURT: -- be sworn as a witness and testify?

MR. GILMORE: Yeah. Yeah. Right. If that's the way you've got to ask me, okay.

THE COURT: Now and I want you to fully understand that if you do that then you are subject to cross examination by the State's attorney. Do you understand that?

MR. GILMORE: Yes.

THE COURT: And you'll be compelled to answer the questions that he asks.

MR. GILMORE: Yes.

THE COURT: And those questions and your answers may be incriminating to you. Do you understand that?

MR. GILMORE: I understand it. You know. I understand all that you are going to say. I understand all that you've said.

MR. SNYDER: Your Honor, may I make one other statement?

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THE COURT: Yes, you may.

MR. SNYDER: I want Mr. Gilmore to understand perfectly that Mr. Esplin and I have contacted Dr. Howell, Dr. Crist, Dr. Lebeque, Dr. Woods, we have discussed with them in detail their examination and findings and we have reviewed their entire file at the Utah State Hospital, which is approximately three inches thick. The very best that they really can do is that they will testify that he has a form of mental disorder known as a psychopathic or antisocial behavior. We have discussed that with the defendant. We have told him in our opinion and according to the law that that is not a defense, as far as insanity is concerned. And we have advised the defendant that we have no witnesses that we can call in the line of expert witnesses, doctors, psychiatrists, psychologists who would help the defendant in that regard; and that without that type of expert testimony the Court will not give an instruction even for the Jury to consider on the sanity plea. And I want to make the record clear on that, and I want to advise Mr. Gilmore of those items.

MR. GILMORE: I'll withdraw my request. Just go ahead on with it like it was.

THE COURT: You what?

MR. GILMORE: I withdraw my request to reopen it.

THE COURT: You do?

MR. GILMORE: Yeah.

THE COURT: All right. Will you bring the Jury back in, please? Yes, and the others may come in.

They were all bewildered. The defense attorneys, the prosecutor, the judge, conceivably the defendant himself. It was as if a gloom had come over him as he argued, a resignation.

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~~Wootton had had no indication yesterday that Snyder and~~
~~Harlin were not going to call any defense witnesses. This~~
~~morning,~~ as Gary was making his statement, Wootton was at a loss
to figure it out.

~~Wootton liked to go at a case as though he were the~~
~~defense lawyer. Sometimes it gave him a few inspirations on what~~
~~the others would be up to. For this case, he had been expecting~~
~~the defense to find another motive for Gilmore's walking into the~~
~~hotel other than robbery. Going in, for instance, to get a room,~~
~~dropping by to resume a dispute he might have had with the~~
~~manager some other time. Perhaps, Bushnell had once refused to~~
~~give Gilmore a room because he was intoxicated. In that case,~~
~~Gilmore would not have come in with the intent to rob, and so~~
~~Bushnell would then have been shot without premeditation. The~~
~~robbery would have been an after thought. Wootton had expected~~
~~such a defense as a matter of course, and he had not really known~~
~~what he would do to refute it if Gary got on the stand and told~~
~~a convincing tale. Murder 2 would be automatic.~~

st it
~~Wootton only found out later that Gary wouldn't cooper-~~
~~ate with his lawyers in preparing a defense. Certainly, it now~~

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sketch

~~gave Wootton cause for quite a bit of thought that the defense
had rested. He couldn't understand it, and told himself maybe
they were being smarter than he was, and the reason they didn't
put Gilmore on the stand was his personality. He might have
an explosive temper, and they could be afraid Noall would get
him mad enough to show the jury what he was really like. So,
as soon, this morning as Gary said he wanted to get on the
stand, Wootton decided yes, might as well have him there. It
could be a way to get the fact in that Gilmore had ordered his
victim to lie down, then shot him.~~

~~Maybe Gary saw the look in his eye, maybe Gary felt
his confidence.~~ Wootton was twice flabbergasted when Gary
changed his mind again. It was like dealing with a crazy pony
off on a gallop at every wind.

Now, after all the back and forth, Wootton got up to
give his closing statement. He kept it short. He reviewed
what his witnesses had established the day before, he laid
out again the chain of evidence, and he put emphasis on the
testimony of Dr. Morrison.

"In his opinion," said Wootton, "Bennie Bushnell died of
a single gunshot wound to the head. But he told you something

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much more important than that. He told you that the gun had been placed directly against Bennie's skull when the trigger was pulled. . .this tells you that it was not a wild shot fired across the room, it was not a shot fired to intimidate or frighten, it was a shot intending to kill and kill instantly. Okay." He took a breath.

"Think about the case deeply," he said in conclusion, "and judge it fairly. But when I say judge it fairly, I don't mean just judge it fairly from the point of view of Gary Gilmore, although that's important; you judge it fairly from the point of view of Bennie Bushnell's widow and his child and the child yet to be born." The State was done.

Mike Esplin began by complimenting the jury

~~MR. ESPLIN: You might have wondered why we took so long to determine what particular set of jurors were going to hear this case. Let me tell you why. The reason was that we wanted to be sure that all of you had an impartial mind.~~

Then he went looking for weak places in the fence Noall Wootton had constructed around his client. **[INSERT ONE SENTENCE TO ESTABLISH GROUNDS NEEDED FOR 1ST DEGREE MURDER],**

MR. ESPLIN: The testimony of Glen Overton was that the manager of the motel lived in this area here, that there's a bell out there that is rung when someone comes to the door and they can go back and forth to wait on customers. Consider the lateness of the hour. Seems reasonable to infer that the motel manager wasn't even in the office to start off. It's possible for you to infer from the evidence that he was back here in his living room and whoever was in the office, maybe he was in the act of taking.

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money from the box and the manager came upon him and was shot. That is not robbery, it's a theft. So I submit on that question there is a reasonable doubt. The State has not proved that. Now they have witnesses they could have called and established that. . ."

He was making a reference to Debbie Bushnell.

". . .but they have not done so. Again, they indicated \$125 missing, and they also indicated they arrested the defendant for this offense later on the same night. They haven't produced one bit, one cent of that money. They haven't indicated that they searched him. This defendant is charged with taking money. Where is it? Another matter: this gun, whoever placed it in the bush, when they placed it in that bush it went off accidentally, it discharged. Doesn't that place a possible inference in your mind that there's a gun going off accidentally? They have to show an intentional killing. These things have not been answered. There is no one that actually saw the incident. The only thing that Mr. Arroyo could testify to is that he saw a person who he identified as the defendant in the office with a gun similar to this one. He said that they couldn't testify that that was the same gun. He testified that he had this cash box. He couldn't say that there was any money in it. All he could say was he remembers his face and remembers seeing a gun in his hand.

Couldn't make much of the testimony of Martin Ontiveros. He said that Gary Gilmore arrived at the service station to have his truck fixed. It seems kind of ridiculous. I submit if Mr. Gilmore's intention was to go down and rob the City Center Motel he would not have left his truck there at the service station where he could easily be placed at the scene or near the scene of the crime.

Then we have heard a lot about the blood. Mr. Ontiveros said he didn't see the defendant go into the rest room. . .I would submit that with a blood analysis that fact could have been

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proved as to whether or not this was the blood of the defendant. That's another something that the prosecution could have done to tie up this case and so erase some of these doubts from your mind. But that has not been done.

As he spoke, Esplin was feeling emotion. In this closing argument, it became, to his surprise, the most emotional thing he had ever done. His voice cracked in several places. Afterwards, people came up to him, said in the recess "How did you put on an act like that, fake that type of emotion?" "It wasn't fake," Esplin added. He had noticed, and he felt some hope, that several jurors were in tears.

So I would ask that you consider what I've said, and as you go to the jury room take the questions that you have, consider them, and if you do have doubts about it, any reasonable doubts, then I suggest that your obligation is either (1) find the defendant guilty of the lesser included offense of second degree criminal homicide, murder in the second degree, or (2) to acquit the defendant. Thank you.

MR. WOOTTON: We'll waive rebuttal.

(WHEREUPON, the Jury retired to deliberate at 10:13 o'clock a.m., October 7, 1976.)

After the jury had left, Esplin stood up again.

MR. ESPLIN: Your Honor, there is one point: We would object to the comment made by the prosecutor in his closing arguments where he referred to doing justice for Bennie Bushnell and his widow and so forth as being prejudicial to this jury, and would at this point move for a mistrial based on that reasoning.

THE COURT: The Motion for Mistrial is denied. Anything further? All right. Then we'll be in recess until such time as the bailiff notifies us that the Jury has reached a verdict.

The jury had recessed at 10:18 a.m. An hour and twenty minutes later, they brought back a verdict of Guilty in the First Degree. Since it was close to lunch, Judge Bullock recessed the trial until 1:30 in the afternoon at which point the Mitigation Hearing to determine whether Gary would receive life imprisonment or the death sentence would begin.

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Until the Mitigation Hearing the courtroom had not been filled, but during the lunch recess, word must have passed through the coffee shop, and the lawyer's offices around the courthouse. As if to declare that the Mitigation Hearing would prove more exciting than the trial, the room was crowded. Watching the proceedings one would be witness to a legal process that would decide one man's life--that had to be an interesting even awesome afternoon for anyone curious about trials.

~~A couple of days before, a phone call had gone from Gary to Ida. He asked her to come to his trial. At that~~

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point, Vern decided they definitely would. Until then, they had been following the progress of the case on TV and in the papers, and didn't know whether it would be right or wrong to show up, but now nothing would hold them back. They sat there through all of it, and they listened and they followed the testimony.

As the Court explained, the aim of the Mitigation Hearing was not to discover whether the defendant was guilty since he had been found guilty already of Murder in the First Degree, but rather to decide whether he was entitled to the relative mercy of life imprisonment. For that reason, hearsay evidence was going to be admissible at the discretion of the Court.

during the mitigation hearing,

Since some of this evidence would prove injurious to Gary, Craig Snyder (who was doing the Mitigation Hearing even as Mike Esplin had handled the trial) was trying his best to lay grounds for appeal. Snyder objected often, and Judge

As Norton's witnesses -- including Brenda -- testified against Gary,
Bullock overruled him almost as often. Let one ruling by the judge be declared in error by a higher court, and Gary could not be executed. So Craig Snyder was counting as much on the strength of future appeal as on ~~these~~ chances of avoiding the death sentence now.

~~He took, therefore, a continuing objection to the testimony of Duane Fraser who had made a long distance call~~

~~those charges true?" And she told her Gary had said to her
her that it's true," and [redacted] got her to agree,
[redacted] she had agreed in the Preliminary Hearing, that she
couldn't be certain whether Gary meant that it was true that
he committed murder, or true that he was charged with murder.
All the while she felt Gary glancing at her as if this mild testi-
mony, which wasn't going to move things one way or the other,
was the most heinous crime she could ever have committed.~~

~~All the while, she was worrying about what Nicole might
do in weeks to come, if Gary got angry enough to do her on.
To please Gary, there was [redacted] would do it, Brenda
tended to believe.~~

when

Wootton rested the case for the state, ³ John Woods testified for Gary, and said that while Gilmore had been found legally sane by the psychiatrists, he had a condition considered "a codeable mental illness, as mental illnesses are codeable under the Diagnostic and Statistics Manual of the American Psychiatric Association." It was "personality disorder, anti-social type."

Woods then described Gary's treatment in the past on prolixin and electric shock, his classification by Doctor Wesley

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Weissart as being in a paranoid psychotic state before prolixin, and he spoke of Gilmore's detachment while committing the crimes, his feeling that he looked at the act through a veil of water. Woods spoke of the severe headaches and Gilmore's use of fiorinol, talked of his emotional stress--"he had broken up with his girlfriend."

He brought up Gary's childhood

MR. SNYDER: If you had an individual who was a psychopathic personality, would that person have the same capacity to appreciate the wrongfulness of conduct. . . as a quote-unquote "normal person" would have? . . .

DR. WOODS: He would have the capacity but would most likely not choose to.

MR. SNYDER: And if you added at that point alcohol and medication such as fiorinal, would that increase or decrease this person's capacity to appreciate and to understand the wrongfulness of his conduct?

DR. WOODS: Hypothetically, it would impair his judgment and would loosen the controls on a person that already has very poor control of himself.

MR. SNYDER: So what you are saying is that a psychopathic type of personality would have looser controls than a quote-unquote "normal person" would have, is that correct?

DR. WOODS: I think a better word would probably be less control.

MR. SNYDER: Less control?

DR. WOODS: Yes.

MR. SNYDER: And that if you were to add to that medication and alcohol that would further loosen those controls, would that be accurate?

DR. WOODS: Hypothetically, yes.

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Set

MR. SNYDER: Dr. Woods, did the defendant relate to you any childhood experiences which were particularly considered in the course of your evaluation.

DR. WOODS: Yes. He related some childhood experiences, and I would say that I would think that some people might think that they were peculiar.

MR. SNYDER: For example, would you give us an example of one of those?

DR. WOODS: The one that comes to mind was a " experience in which he would walk out on a train trestle and wait for a train to come, and then he'd race to the end of the train trestle to see if he could beat the train before the train would knock him off the train trestle into the gorge below."

Set

this testimony.

MR. WOOTTON: Dr. Woods, as I understand your testimony, basically what you are saying is that Mr. Gilmore could obey the law, if he wanted to, but he just doesn't want to, is that correct?

DR. WOODS: Yes, sir.

MR. WOOTTON: And that when he gets under the influence of alcohol to any degree he wants to even less, is that correct?

DR. WOODS: Is that hypothetical? I'd have to say hypothetically that's yes.

MR. WOOTTON: Sir, you prepared and filed in the court on September 2nd of 1976 a summary of your report.

DR. WOODS: Yes, sir.

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Sketch

there had been tears in his eyes. "I hope they ~~excuse me~~
for it," he had said to Nielsen. "I deserve to die." Such
contrition might influence the jury.

Still, they did not think long nor hard of calling
Nielsen. It could open the door. Nielsen knew too much. He
could testify to Jensen's murder and to Grand Central, he
could testify to how Gary had abused the clemency of police
officers, probation officers, and judges. Then Wootton would
doubtless make the point that he was not impressed with any re-
pentance showed by a criminal, after being caught. On balance,
it was too great a risk. ~~Nielsen had more opportunity to help~~
than to help. ~~So~~ the defense called Gary to the stand. Except
for the appeal, it seemed as if the best chance to save his
life was going to be his own testimony.

MR. SNYDER: Mr. Gilmore, did you kill Bennie Bushnell?

MR. GILMORE: Yes, I guess I did.

MR. SNYDER: Did you intend to kill Mr. Bushnell at the
time that you went to the City Center Motel?

MR. GILMORE: No.

MR. SNYDER: Why did you kill Bennie Bushnell?

MR. GILMORE: I don't know.

MR. SNYDER: Can you tell the Jury how you felt at the
time these events were occurring?

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MR. GILMORE: I don't know. Just how I felt, I don't know for sure.

MR. SNYDER: Go ahead.

MR. GILMORE: Well, I felt like there was no way that what happened could have been avoided, that there was no other choice or chance for Mr. Bushnell. It was just something that, you know, couldn't be stopped.

MR. SNYDER: Do you feel like you had control of yourself or your actions?

MR. GILMORE: No, I don't.

MR. SNYDER: Do you feel like -- Well, let me ask you this: Do you know why you killed Bennie Bushnell?

MR. GILMORE: No.

MR. SNYDER: Did you need the money?

MR. GILMORE: No.

MR. SNYDER: How did you feel at the time?

MR. GILMORE: I felt like I was watching a movie or, you know, somebody else was perhaps doing this, and I was watching them doing it...

MR. SNYDER: Do you feel like you were seeing someone else do it?

MR. GILMORE: A little, I guess. I don't really know. I can't recall that clearly. There were spots that night that I don't recall at all. Some of it is sharp and some of it is totally blank.

MR. SNYDER: Mr. Gilmore, do you recall a childhood experience such as the one that Dr. Wood described, standing in the middle of a railroad track with a train coming towards you and then you would run across a trestle to beat the train?

MR. GILMORE: Yes. I didn't tell him that to be traumatic or anything. I was trying to give him a

comparison to the urge and the impulse that I felt on the night of July 20th. I sometimes feel I have to do things and seems like there's no other chance or choice.

MR. SNYDER: I see. And is that similar to the way you felt on the night of July 20, 1976?

MR. GILMORE: Similar. Very similar. Yeah, it would be. Sometimes I would feel an urge to do something, and I would try to put it off, and the urge would become stronger until it was irresistible. And that's the way I felt on the night of July 20th.

MR. SNYDER: Felt like you had no control over what you did?

MR. GILMORE: Yes.

It was possible his testimony had helped. They had put him on the stand in the hope that he might say he was sorry and appear to be remorseful, or at least would lead the jury away from the idea that he was a heartless animal who had killed two people. He had hardly accomplished much of this, but maybe he had served himself a little. Maybe. He had been calm on the stand, probably too calm, too solemn, even a little remote. Certainly too judicious. He might just as well have been one of many experts at this trial. Snyder gave him over to Wootton.

The transformation was abrupt. It was as if Gilmore he would never forgive Wootton for trying to keep Nicole out of the courtroom. Hostility came back with every speech.

"How did you kill him?" Wootton began.

"Shot him," said Gilmore.

"Tell me about it," said Wootton, "tell me what you did."

"I shot him," said Gilmore with contempt for the question and the man who would ask such a question.

MR. WOOTTON: Did you lay him down on the floor?

MR. GILMORE: Not with my own hands, no.

MR. WOOTTON: Did you tell him to get down on the floor?

MR. GILMORE: Yes, I guess I did.

MR. WOOTTON: Face down?

MR. GILMORE: No, I don't know if I went into all that much detail, Wootton.

MR. WOOTTON: Did he lay down face down?

MR. GILMORE: He laid down on the floor.

MR. WOOTTON: Did you put the gun up against his head?

MR. GILMORE: I suppose I did.

MR. WOOTTON: Did you pull the trigger?

MR. GILMORE: Yeah.

MR. WOOTTON: Then what did you do?

MR. GILMORE: I left.

MR. WOOTTON: Did you take the cash box with you?

MR. GILMORE: I don't recall taking the cash box with me.

MR. WOOTTON: But you saw it in the courtroom, didn't you?

MR. GILMORE: Yes, I saw what you said was the cash box sitting there.

MR. WOOTTON: You don't ever remember seeing that before?

MR. GILMORE: No.

MR. WOOTTON: Did you take his money?

MR. GILMORE: I don't recall that either.

MR. WOOTTON: Do you remember taking any money?

MR. GILMORE: I don't recall that either, I said.

MR. WOOTTON: Do you remember having some money on you
when you were arrested later that night?

MR. GILMORE: I always had money on me.

MR. WOOTTON: How much did you have on you?

MR. GILMORE: I don't know.

MR. WOOTTON: You don't have any idea?

MR. GILMORE: I don't have a bank account. I always just
carry my money in my pocket.

MR. WOOTTON: You don't know where it came from?

MR. GILMORE: Well, I got paid Friday. That wasn't too
long before that.

MR. WOOTTON: You said you were pushed out of shape that
night over a personal matter. Why don't you
tell us about that?

MR. GILMORE: I'd rather not.

MR. WOOTTON: Are you refusing?

MR. GILMORE: Right.

MR. WOOTTON: Even if the court tells you that you have
to, you won't?

MR. GILMORE: Right.

Walking away, Wootton thought Gilmore had certainly
been damaging as hell to his own chances. He had come across
as very cold. Wootton wanted to be objective, but he was feeling

pretty good. He thought his cross-examination had been very effective, particularly that first question, "How did you kill him?" plus the answer, "I shot him." No remorse at all. Not the smartest way to fight for your life.

Wootton picked up one more look at the jury now and knew he'd be surprised if Gilmore didn't get death. Wootton had been watching that Jury all the way, and while they had not been looking at Gilmore before he testified, which to Wootton meant they felt uneasy at sitting in judgment on him, they were now staring at him like crazy, almost stunned, particularly one of the two women he had selected for himself to work on all through the case.

In talking to a jury Wootton's strategy was to pick one juror who was strong and intelligent and one who, in his opinion, wasn't. The art was to present your case like a story to the juror who was not intelligent, and argue the points and contradictions with the one who was. This ~~juror~~ ^{"intelligent" juror} was now really watching Gilmore. The expression on her face was all Wootton could have desired. It said in effect, "You are as bad as the prosecutor says you are."

Wootton rested his case. After that cross-examination, he was careful not to talk to the jury too long.

"Benny Bushnell did not deserve to die," Wootton told them. "There was nothing that Bennie could do to defend himself against this situation. It's hard to comprehend," said Wootton, "and it's hard for me to get across to you the real grief that this kind of behavior on the part of Gary Gilmore has caused to Bennie's wife and his children."

MR. SNYDER: Your Honor, I object to the introduction of that kind of prejudicial statement in the argument by counsel...I don't think that's a matter that is properly before the Jury in the case.

THE COURT: All right. I'll reserve a ruling on your motion. I'll ask Mr. Wootton to omit any further reference to that matter.

MR. WOOTTON: Let's look at the kind of man the defendant is. For the last twelve years he's been in prison. All rehabilitation attempts apparently have been a total dismal complete failure. Now if you can't rehabilitate somebody in twelve years, can you expect to ever rehabilitate them at all? He tells you he killed Bennie. He tells you he doesn't know why. He tells you how. He told him to lay down on the floor, put a gun to his head and he pulled the trigger. That's pretty cold-blooded. Now he's been convicted on two prior occasions of robbery. He served time for those. And he's learned something because of that time. Do you know what it is? He's going to kill his victims. Now that's smart. If you are going to make your living as a robber, that just makes sense, because a dead victim's not going to identify you. He'd have gotten away with this most likely free and clear except for some dumb bad luck. He accidentally shot himself. Those things happen I suppose when you have been drinking, a little bit and fooling around with guns. Now he's also got a history of escape, three times from some sort of reform school and once from the Oregon State Penitentiary. Now what does that tell you? If you people tell us lock Gary Gilmore up for life, whatever that means, we can't guarantee it. We cannot guarantee that he won't escape again.

He's got a history of it. He's apparently pretty good at it. If he's ever free again, nobody who ever comes in contact with him is going to be safe, if they happen to have something that he happens to want. Now he's got a history of violence in the prison. Even the other prisoners, if you tell us to send him to prison, cannot be guaranteed safety from his behavior. What then is the point at this time of allowing him to continue to live? Rehabilitation is hopeless. He's a danger if he escapes, he's a danger if he doesn't. Obviously, nothing can be done to save this man at this point. He's an extremely high escape risk. He's an extreme danger to anybody. Without even considering all these factors, however, I submit to you this: For what he did to Bennie Bushnell and the position that he's put Bennie's wife in, he has forfeited his right to continue to live any longer and he should be executed, and I recommend that to you.

Wootton sat down, and Snyder came toward the jury to give his final remarks. He spoke with considerable emotion.

MR. SNYDER: I suppose that nobody feels worse about what happened to Ben Bushnell and to his family than I do. This has been a very difficult case for me personally to even try. I think that it puts the Jury in a position that I would not want to be in, because in spite of the fact that this type of crime was committed in this particular case, what we are dealing with here is human life. Mr. Gilmore is a person, too. And although Mr. Gilmore has a history of prior conduct which hopefully we can all learn something from and which hopefully none of us will have to come in contact with again, he is a person and, in my opinion, he has a right to his life. I don't think there's anything more personal to any individual than his right to live. And you are in the position at this point where you have to decide whether to take that life from Gary Gilmore or whether to let him live. I don't excuse what Mr. Gilmore did, I don't even pretend to try to explain it, but I think he does have the right to live and I would ask that you give him that opportunity.

I think the sum of what Mr. Wootton says is well taken. I think that Mr. Gilmore's history is certainly something that he's not to be proud of. I don't think any of us areMr. Gilmore does have something maybe he can't cope with, but it's not something that we ought to take his life for....Mr. Gilmore is the type of person that needs treatment more than he does to be killed. He needs, I think, to be punished for what he does, and the law provides for that by a term of life imprisonment. And I don't think that Mr. Wootton's fears about rehabilitation or that if he ever gets out again, that type of thing, are founded. Mr. Gilmore's 36 years old.

MR. GILMORE: Thirty-five.

MR. SNYDER: Thirty-five years old. He is going to be incarcerated, if you will, for life. That's a long long time. And though I suppose at some point in the future after many years he may be eligible for parole, that's a long long ways away. I think he deserves the same opportunity really that Bennie Bushnell should have had. And I think and I would strongly recommend to the Jury that you award Mr. Gilmore his life. I would point out to you as is indicated in the Instructions that in order to impose the death penalty it does require a unanimous vote of all twelve of you. If one of you does not vote to impose the death penalty, then the sentence will be life imprisonment and will be imposed by the Court as such. I would ask each of you to search your own conscience and to impose in this case life imprisonment.

THE COURT: Mr. Esplin, do you care to make any comments?

MR. ESPLIN: I think Mr. Snyder has accurately portrayed my feelings.

Now, Judge Bullock asked the defendant if there was anything he would like to say to the jury. It would be his last opportunity to speak of repentance.

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Gilmore replied: "Well, I am finally glad to see that the jury is looking at me." When this remark was received in silence, he added, "No, I have nothing to say."

"Is that all," the judge asked, "you have to say."

"That's all."

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~~Now that the mitigation hearing was over and the jury had gone to the jury room, Mike and Ed went outside and milled around the courthouse with other people and sat on a bench and waited for the verdict.~~

Inside the courtroom, during the recess, Mike Esplin arranged with the guards for Nicole to be able to come up and sit near Gary. That way, Gary could talk to her across the railing. While they waited, they joked. They even held hands. It impressed Mike Esplin. The fellow was waiting to find out whether he was going to be executed or not, and yet he was acting like a cavalier.

Craig Snyder got curious what Gary and Nicole might be talking about, and got near enough to hear Nicole say, "My mother

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wants you to paint her a picture." "Oh," said Gary, "I didn't think your mother really liked me." "Well," replied Nicole, she doesn't. She just wants it so she can say after you are dead, 'Gary Gilmore painted that picture.'" Gary laughed in appreciation. Craig couldn't get over it. To have Nicole near him was more important than anything that had happened to Gary during the trial. He looked so happy.

At a certain point, Gary wanted to go to the bathroom, which meant the two guards had to get up with him. They all moved slowly, Gary in lock step, the shackles keeping his feet from moving quickly. Brenda came up. "Gary," she said, "don't be such a sore ass." She tried to joke, "Just because I turned you in and testified against you is no reason to be a sorehead, is it?" He arched his neck and looked down at her. That bothered her a lot. It was awful to see him chained. She reached out and touched his handcuffs tenderly, but he pulled his hand back, and gave her a look that ate at her for a long time and never stopped bothering her.

~~For weeks to come, she would be standing at the sink doing the dishes, and she would start to cry. Johnny would walk over and put his arm around her and say, honey, try not to think about it so much. All she could see was Gary behind bars again, deeper than he'd ever been.~~

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Word came that the verdict was ready. They all returned to the courtroom. The jury filed in. The bailiff read the verdict. It was death. The jury was polled in turn, each one of the twelve said, yes, and Gary looked across at Vern and Ida and shrugged. The judge asked him, "Do you have an election as to the mode of death?"

"I prefer," said Gary, "to be shot."

Then Judge Bullock replied, "Very well, that will be the order." He then went on to say that the sentence was for Monday, November 15th at 8 o'clock in the morning of this year, and that Gary Gilmore would be remanded to the Sheriff of Utah County for delivery to the Warden of Utah State Prison, and that he had a right to appeal the conviction.

The news lived in the air of the courtroom. It was as if there had been one kind of existence in the room, and now there was another: a man was going to be executed. It was the most direct information in the world and the most terrible. It was real but it was not comprehensible.

Gilmore chose this moment to speak personally to Noall Wootton. That was the first time he had addressed him in

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weeks. Gary turned around in his swivel chair, looked over calmly, and said, "Wootton, everybody around here looks like they're crazy. Everybody but me." Wootton looked back and thought, "Yes, at this moment, everybody could be crazy, except Gary."

Noall had this bothersome feeling now. It was in the impression he had had all the way that Gilmore was more intelligent than himself. Wootton knew damned well that Gilmore was more educated. Self educated, but better educated. "Jesus, Almighty," Wootton said to himself, "the system has really failed with this man, just miserably failed."

After that, people were going out and Nicole was crying in the corridor, and Nicole and Ida met, and they embraced, and they broke down and cried, and Nicole said, "Don't worry about Gary, Ida. Everything is going to be all right." Vern was walking around in a state of shock. He had expected it all, but he was shocked.

A girl, a young reporter, came up to Gary and asked, "Do you have any comments?" He said, "No, not particularly." She said, "Do you think everything was fair? Is there anything you'd

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like to say?" Gary said, "Well, I'd like to ask you a question." She said, "What's that?" He said, "Who the hell won the World Series?"

They escorted Gary, in ¹⁰⁹ shackles and

~~The State Patrolman who would escort Gary back to jail and then take him up to the prison was named Jerry Scott and he was a big, good looking man. He had a personality clash with Gary right from the start.~~

handcuffs, to the state prison.

Chad

~~When he went into the car to pick him up, Gilmore didn't have leg shackles on, or handcuffs, so Scott knelt and attached the stuff and asked him to stand up so the restraining belt could be hooked. Scott thought it was easier and more comfortable for the prisoner if you could put on a restraining belt and hook the handcuffs through the hole in front rather than pinioning a man with his arms behind his back. But when Gary stood up, he said, "You've got the leg irons too tight. I'm not going anywhere."~~

Jerry Scott reached down. He could move the irons back and forth a little, so he knew they were not too tight. He said, "Gary, they're okay." At which point, Gilmore replied, "Either get those shackles off me, or you're going to carry me out."

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Set it

~~and an attempt like that might seem like neckling. Outside
the prison, the night had come and the ridge of the mountain
on the other side of the interstate came right down to the
road and looked like a big animal lying its jaws there.~~

That night, Mikal Gilmore, Gary's youngest brother, received a phone call from Bessie. She told him that Gary received the death penalty. "Mother," Mikal said, "they haven't executed anybody in this country for ten years, and they aren't about to start with Gary." Still, nausea came up on him as he put down the phone. All he could see for the rest of the night was Gary's face and his eyes.

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VII THE SLAMMER

1

Knowing of Grace McGinnis' old friendship with Bessie, a fellow-teacher told her he had read a story in July about a Portland man who was arrested for killing two in Utah. He thought the name was Gilmore. Grace really didn't want to know. She certainly made no effort to inquire. Certain kinds of bad news were like mysterious lumps that went away if you paid no attention.

Grace knew it was Gary. She had been aware of the existence of horrible news somewhere over the horizon. She just didn't want to think about it.

Now, she had to. The story was in the Portland papers again. The Portland man certainly was Gary Gilmore and he had been sentenced to death in Provo, Utah. Grace thought of

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calling Bessie. It would be the first phone call in years. But she could hear the conversation before it was made.

"I cannot believe," Bessie would say, "that the Gary I know, killed those two young men. He couldn't have. He had a natural sweetness to him."

"Yes," Grace would say, "he really did."

"I never saw that kind of cruelty in Gary," Bessie would say, and Grace would agree, and know she was not telling the truth. Gary had never done anything cruel to her, certainly not, but she had seen something awful come into him after his Prolixin treatments, a personality change so awful that Grace could honestly say she didn't know the man named Gary Gilmore who existed after taking it. It was as if something obscene had come into his mind. She was surprised he had killed two people, but not very surprised. After the prolixin, she had always been a little afraid of him.

~~Grace's hand was on the phone that day, her hand was on the phone, but she could not call Bessie, not yet, maybe not again. "I am a coward," said Grace to herself, "I am a devout coward," and thought of all of them, of Bessie in her trailer, and Frank Senior, dead before she ever met him, but knew him by each and every one of Bessie's stories, and Bessie's sons, Frank, Junior, who never said a word, and Caylen, who had almost died,~~

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~~in her car, and Mikal, and Gary, and a feeling of love, and~~
~~misery, and anger hot as bile, plus~~ all the woe Grace could
carry in her big body, came flooding down, memories as sad as
rue, and the horror that told her once to step out of Bessie's
life came back and she thought of Bessie in her trailer.

~~Mikal was the first Gilmore, Grace met. In the school~~
~~year of '67-'68, she had him as a senior in Creative Writing,~~
~~and he was probably one of the best high school students she~~
~~ever had. Grace's maiden name was Gilmore, Grace Gilmore~~
~~McGinnis, although when she and Bessie traced it out, there was~~
~~no relations, but names apart, Grace was impressed with a long,~~
~~intelligent conversation she had with Mikal about Truman Capote.~~
~~She had assigned In Cold Blood to the class. Mikal showed a~~
~~lot of insight in talking about that book.~~

The first time she and Mikal became close, however, was
when Grace was asked to do a World Affairs Council Program for
local Channel 8, and pick four students she thought could
handle a topic like the Chinese Cultural Revolution. She chose
Mikal for one of the students.

At that time, his hair was long. A number of the teachers
in Milwaukie High School were red-necks. Milwaukie, a working-
class suburb of Portland, had its share of red-neck mentality
and they all thought no student with long hair ought to represent

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~~exhibited no great agitation. Grace just went in with Mikal~~
~~to a large dark living room, furnished sparsely but in good~~
~~taste. What Grace called Portland Gothic. A collection of~~
~~ice post war furniture in Oregon.~~

²
When Grace met her, back [How many] years
ago, Bessie was still living in the house in Portland. Bessie was
slight with dark gray hair tied back in a bun
to show the most interesting face, the kind you wanted to know
more about. She looked like a woman who, at the least, would
have made an excellent housemother in a sorority. But then
Grace thought Bess really belonged in a mansion. She could
have been the widow of the president of a utility company, but
so rich she dressed all the way down in grays as if she didn't
give an inch to money. Grace loved her on sight. All that
class and dignity, all that quietly accumulated reserve.

Loved her more when they started to talk.

~~Grace told her about her maiden name being Gilmore that just~~
~~started a conversation that lasted for three hours. They~~

~~covered a lot of ground.~~ Bessie went through her problems
with the house which Frank had bought outright. No mortgage,
but it was still hard to keep up. Frank had left no insurance
and she was earning less than \$200 a month working as a bus
girl at a tavern called Speed's. She couldn't advance up to

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waitressing, because she was getting too slow and arthritic. With that kind of pay, she had gotten in trouble with the taxes on the house. She was in her sixth year of arrears on those taxes and at this point the bank was going after her property. She had received a notice they were going to fore-close. ~~Well, she didn't want to lose the house while Mihal was in school. Indeed, she wanted to keep it as the place for her boys to come back to. She wanted to maintain the home they had known when they left home.~~ she was hoping to get the Mormon church to pay the taxes, and she, in turn, would deed the house to the Church after she died. She hoped they would consider it a worthy investment. Bessie didn't believe the church would let her lose the house.

~~Grace couldn't help, with that. Grace knew little enough about Mormons, and the solution here had to do with the local Bishop and his attitude. So they moved on to other matters. Bessie proved a delightful conversationalist.~~

She told how they only gave her a little time to eat at the restaurant where she worked. "We have thirty minutes to order our food from an ornery chef, run to the back and try to get it swallowed. They could see I wasn't finishing, so one of the chefs said, 'I'm going to cut you way down.' 'Please do,' I said, 'I can't eat what you give me unless you give me another 20 minutes to eat it. Besides, I like,' she said, 'to

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If you were to turn to go upstairs, you would have felt it. One night when my husband was very sick, just a few months before he died, he got up and started down the hall to the bathroom and fell down those stairs with a terrible sound. I thought maybe he made the wrong turn. It was almost as if something grabbed him and hurled him to the very bottom. His long years of acrobatic training is all that kept him from getting killed. I screamed as I went past, and I was banging on every one of the boys' doors. 'Get up, your father's fallen down.' The boys came running out, and Frank, Junior, picked him up and carried him back. Then, after Frank, Senior, died, I and Mikal got ready to go to bed one night, and in the hallway on the ground floor between the bedroom and the kitchen, I heard the worst noise ever in my life. It was a frightening place to live, really."

Of course, Grace heard those stories after Mikal was in college, and Bess was in the trailer she had bought with a little help from the Church and the sale of her Philippine mahogany furniture.

3

all to Grace

Bessie

Bessie mentioned that on Sunday, the only day ~~was~~ was

free from work. ^T There was no bus service between Portland and Salem, where Bessie's son, Gary, was in prison, so Grace had ~~said~~ said, "There's no reason why I can't take you

over to the prison." ~~The visits were only twice a month and~~

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~~Grace's kids were grown and married. She had no heavy family obligations. Besides, Grace loved to read. She took along a book to enjoy in the car while waiting through the visit, and they had a fine time driving there and back. They talked about witches. Bessie said she was only a step away from being a creature of the woods. She respected witches, she said, and didn't want to be in their powers. "Do you know," she said, "I'm frightened of riding in a car next to someone who has dealings with them, because I believe they can wreck your car. One has to be on guard against every strong and evil vibration that comes along."~~

Grace sat in the car for ~~a couple of hours that day~~ and read her book while Bessie was inside the prison. Afterward, Bessie said that Gary had put Grace's name on the visiting list. Grace thought she had no particular interest in meeting him, ~~she also thought, well, if Bessie wants this, she~~

and Gary almost every other Sunday. ~~the visits went on for two years, They went almost every other week. Sometimes they would get there and the warden would say, you can't see him today. He is in the puke, all locked up. They would never tell her before she~~

The first time that Grace went with Bessie into the prison to visit Gary, she was overcome with the power of the

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del echoes. The prison ~~was not as bad as prisons she had seen~~
~~in Mexico. It had a big gray-stone wall around it, and that~~
~~was depressing enough, but it was situated casually enough,~~
~~just across a field from a heavy-trafficked road on the edge~~
~~of Salem, and the administration building was only two stories~~
~~high. Its entrance was through a small door. The reception~~
room looked like the shabby lobby of a small factory or a
supply-parts house. There was a big circular desk for information
and paintings of deer and horses done by convicts were on the
wall. There was also a sliding barred gate to a small room
that had a second gate on the other side. Given the word, the
visitors would all crowd into this room, then the gate behind
them would slam, there would be a pause, then the gate in front
would open. Those gates would send out echoes down the long
stone walls as loud as box cars slamming into one another. Then
everybody would pass into the visiting room.

del ~~That looked like the conference room for the meetings at~~
~~the high school. Lots of pale-orange, pale-blue, pale yellow~~
~~and pale-green pastel plastic chairs were placed around cheap~~
~~blond-wood tables. Cigarette machines were up against the~~
~~wall, Coke machines, and candy machines. Just a guard or two,~~
~~and thirty or forty people all talking across tables, often~~
~~two or three for each convict.~~ *e*

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She saw all kinds of visitors. Sad working-class fathers and mothers, harried-looking wives with babies on their arms, a little curd on the corner of the babies' mouth. A considerable number of very fat women waddled in through the gates. They were usually having a heavyweight romance with a very thin convict. A few young well-built girls would be there with a look Grace came to recognize. They wore a lot of lipstick and had the look of someone who belongs to a culture. They belonged to a prison culture. They had boyfriends in the prison and she came to learn from Gary that a lot of them also had boyfriends on the outside who had been in prison, were now out, and would doubtless be back in prison. ~~It was perfectly possible they~~

skel ~~were more in love with the men they were visiting in prison than the fellow they were living with just out of prison.~~

There were also the prisoners. Some looked like victims, to say the least. They were simpleminded, or misshapen in body or posture, furtive, or stolid, or cowed, or stupid. They were men who looked like they had grown up in barnyards and had the logic of louts.

Then there were men who carried themselves like heroes or certainly as figures of interest. They looked as if they

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belonged to a club. They would have a little smile on their face as if they knew more about life, society and the world than the people who came to visit. They were usually well-built, and lithe in appearance or downright powerful in appearance. They moved with the skill of tight-rope walkers. They were arrogant as hell in the mocking way they had of looking at visitors and tourists. It was a way of carrying oneself. It was as if they were accustomed to being looked at all the time, and they were worth being looked at. They would keep such expressions until they sat down with their visitors. Then other looks might come into their faces. Half an hour later, one could see vulnerability, or tenderness, or just plain ~~miserable~~ ^{miserable}.

Grace

Later, when ~~he~~ got to know Gary better, he explained carefully that there were two kinds of prisoners, inmates and convicts. The way he said it indicated there was no doubt in his mind that the second category was the superior one and he belonged to it. She would have put him there herself. He wore his clothes that way. He was very neat in his pale blue shirt and light blue prison dungarees. Convicts, as opposed to inmates, wore their shirts as if they were tailored. After a while, the difference in the two groups was apparent. She could compare it to a high school where all the class leaders,

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athletes, and attractive kids seemed to form an in group.
Then there was the general population.

Gary, however, was never arrogant around his mother. He would talk to her with great seriousness. They would be so deep in their conversation with one another that Grace would look all over the room so as not to be too much on top of them. Then Bessie or Gary would say something funny. They would both laugh in absolute merriment. They laughed an awful lot in that visiting room.

~~He always waited a few minutes to speaking to Grace. He would be gentle in his talk but with a touch of irony. He would always want to know what Grace had said in her thoughts this week, and they would talk about books. Then he would ask Grace's opinion of the books he was reading. The one he liked most was "Gingerbread" by the author. Grace always bought Gary a subscription to Red Boy. She thought his pictures of children were worthy of superlatives.~~

The only time she saw him get angry was on a day Bessie mulled over how she had lost the house ^{and had to move into the trailer.} That day he was angry at the Mormon church ^{for not helping Shea,} so angry that even the recollection of

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his wrath years later made Grace think, "I'll bet a nickel he knew they were Mormon before he killed them."

Del Ross

~~He would also call him Mikal, and now he was getting along in college. Mikal the Mysterious, he would call him, because Mikal never came to visit. Grace knew why Mikal refused. "I just don't know Gary," he would say, which was true, considering that Mikal was only four years old when Gary went to reform school. Grace also thought Mikal's long hair might have something to do with it. He would have been uncomfortable in that visiting room under the eyes of the convicts.~~

At such times, Bessie would divert Gary with funny stories of his father. It was impossible not to recognize that the father and son never got along, but now, somehow, it was the funny stories about his father that would make Gary laugh the most.

Frank had been bragging of the somersault he used to do off the top of chairs into the orchestra pit, and once in Denver, when they first knew each other, Frank stacked some chairs to show her. Bess told him she didn't think he should try it. He was too drunk. "I've done this all my life," he told her, "I know how to do it." He got up and the chairs fell, and he fell, and knocked the wind out of himself so badly she

gm

poss

Def
had green diarrhea to slide Frank on. That animal took him across the lawn, the sidewalk, and the gravel in the shoulder of the road. Before they got Frank up, he had one sore bottom. "Look at me," he said, brushing himself, "grass all over."

"Frank," Bessie said, "that isn't grass." He had to throw his pants away.

Between her sobs of laughter, she would say, "That was the one funniest thing I ever watched."

"Remember," said Gary, "how dad was the worst driver in the world?" He turned to Grace. "My father caused more wrecks than Evil Knieval. When people would start honking at him, he'd put his thumb to his nose and wiggle his fingers. Or he'd let go of the steering wheel and put his thumbs in his ears, and wiggle all of his fingers like Bullwinkle the moose. They'd go crazy till he'd put his hands back on the wheel. We kids used to think he was hot stuff then. We'd

after the laughter is all the reflective thought that
~~# once, during a visit,~~
followed memories, Gary said, "I wish dad was still alive. He would have gotten me out of here years ago."

"I know that, Gary," Bessie said, "but I can't get you out. I don't have the money and the know-how. I don't have the bearing your father had."

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"Well," said Gary, "I have laid awake a lot of nights wishing my dad was still here to get me out."

"They were two bulls locking horns," Bessie said to Grace on the drive home, "but their personal feelings would have had nothing to do with this. Gary is right. His dad would never have let him stay in prison all these years. Frank would have known the people to see and where to go and what to say. I just grew up on a stupid farm back in stupid Utah. All I ever knew was cows, pigs, chickens, goats, horses, and sheep, so now I'm no use to Gary." She sighed. "I just wish Frank had gotten closer to that boy while he was living."

They would take the drive forward and back, forty miles each way, every other Sunday, and the echoes of the past would reverberate behind them like the slamming of the steel doors. Bessie had a fund of stories and passed them out like confect-tions. It was as if she naturally preferred tasty little stories to the depth of those echoes that would come up from the past.

3

She explained to Grace how Gary was born. They were travelling through Texas by bus and didn't plan to stay, but he

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got born right in the Burleson Hotel in McCamey. They moved out when he was six weeks old.

"Did you like to travel that much?" asked Grace.

No, she didn't like to travel. Frank, Junior, was already born, and it was difficult keeping two little kids clean. Sometimes she would tie a rope from one tree to another and put the wet linen out. Her attitude remained: she would love Frank as he was. She would not try to change him. So they travelled.

In Colorado, Frank finally got arrested for passing a bad check and was sentenced to three years. Bessie went back to Provo and waited for him. There was no money to go anywhere else.

She thought it was the end of everything. Her relations^{yes} were not friendly. She had been married a couple of years and had come back with nothing to show but two kids and a husband in jail. If you were a Mormon, you didn't break the law. But she waited. She never thought of another man. It was a long wait, but it wasn't the end. He got out in eighteen months and took her to California and they worked in a defense plant for a while and then travelled again. By the time the boys were six and seven and Gaylen was born, Bess told Frank that his kids were entitled to an education. "They're not happy

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about it, but they're entitled to it." So Frank bought a house on the outskirts of Portland, and they started to make a life in one place. That was a lot better than having the boys sleep any more nights in bus depots and feast on hot dogs.

~~publishing manuals. He would~~

~~Frank started breaking down the Building Code Digests for cities like Portland and Seattle and Tacoma. He would re-write these codes and put them into clear language so that people who wanted to make changes in their homes could understand from his manual what the city codes had to say. Then he sold advertising for the manuals. Over the years it got more and more profitable. Before he got sick, there were a few years when Frank had checks rolling in every day. That, of course, was later. In the beginning, it was but a little more than a living.~~

~~went to.~~ The boys ~~went to~~ Our Lady of Souls parochial school, and Gary was learning Latin and wanted to be a priest. Bess loved the house they were in on Crystal Springs Boulevard. It was small and covered with brick siding but she did her best cooking and sewing there. Then Frank decided to move to Salt Lake. It was the time, she told Grace, that things began to change. ~~as separation and and and and and~~

~~Gary~~

"He started stealing things," said Bess. "Started stealing yo-yos." He must have had a hundred yo-yos. He would steal cookies out of stores when he even had the money in his pocket.

while they were gone, the woman picked up a whip one day and tried to hit Queen. The dog put the woman in the hospital for six weeks, ripped her to pieces. They locked Queen up, then put her away.

The minute the Gilmores came back, their next door neighbors on the other side, were quick to tell them what happened so they wouldn't go knocking for the dog. Everybody was very quiet. Bessie wanted to cry, but thought she wouldn't do it in front of the boys. Frank was silent and it had a great effect on Gary cause his father had given him the dog. He got very quiet and never mentioned it. Never cried over Queen, never said a word about it.

5

If you were to keep a diary and turn back over the years to find a day or a year where something changed, then Bess

would suppose that ~~the~~ year they went to Salt Lake City was, yes, when it changed, and Frank was never good with the boys again, and Gary certainly changed, and later they would fight all the time.

They stayed in Salt Lake City HOW MANY YEARS. Then they came back to their house

~~Back in Portland, she noticed that Gary used profane language in abundance. It came out of him in a profane way in Portland, and the troubles between Gary and his father continued.~~

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~~have to take the lawn. We made a game out of finding up
these leaves, digging a trench and burying them. It was cold
too. They had had breakfast, but they couldn't go in the
house and get one more thing to eat until we were finished.
We just all worked together. Now it didn't look any more
there would have been hell in the way of another."~~

Bessie

The trouble, ~~she~~ often thought, was that Frank had been 47 when Gary was born. So he was a man of 60 when Gary entered adolescence. The only thing they ever did together that they could enjoy was go to the wrestling matches. They would yell their fool heads off and sit there like the dearest friends in the world. That was the only time, however.

A fight would start over nothing. Shut the door behind you, Frank would say. Shut it yourself, Gary would reply. They would be up and yelling at each other. The tension would get terrible between the two of them. You could cut the air with a knife. Bess knew the meaning of those words.

Yet the first time Gary got in trouble, Frank was there to bail him out. Bailed him out three times in one week once. Hired a private detective a couple of times to prove that Gary hadn't done what Bess knew perfectly well he had done. ~~She~~

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~~Spilled Gary on his good side and Frank said, "Frank~~
might kick your butt, but don't let the neighbors try it.

Gary got put on probation. Then he stole a car. That
put him in juvenile court and then in reform school. ~~He was in~~
~~reform school HOW MANY YEARS, until he was~~
~~month Bessie went to visit him with Frank, and they would picnic~~
~~HOW MANY YEARS OLD, and,~~
~~on the grass and look at the other visiting families while the~~
~~other families looked at them. It was that McFarland didn't~~
~~look any worse from the outside than a couple of private schools~~
~~she'd seen on her travels, you know, nice red brick and yellow~~
~~stucco two-story buildings with a large green campus.~~

~~home~~
On the day Gary came ~~back~~, Gaylen went out on the back
porch and began to cry. ~~Gaylen~~ said, "I don't like him. He calls
you Mom and I don't like that." Gary had been away so long,
Gaylen didn't know who he was. Gary got along with his brothers,
but there was a void.

~~In school, the teachers reported, he had no interest in~~
~~Gary~~
~~studying. He~~ slept through the days, and

At night, Bessie would ask him, "Where are you going?"
"I'm going out to find trouble," Gary would reply, "find some
trouble."

Once or twice he would come back so badly beaten up that
she would be afraid for his safety. He had a very bad temper,

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sudden, loud, and it screeched right up. She just prayed as time went on that he would curb it more. He got so scarred in these fights she couldn't stand it. Came home one night at dawn, collapsed on the doorstep. His eye was almost out of his head. They had to take him to the hospital.

He was twenty years old before he came close to being actually violent with his father. By then Frank was sick. Too sick to pursue it. Long years of quarreling came near to erupting that day. Bess had to ask Gary to leave the house. She gave him money for a hotel room and asked him to come back tomorrow. Gary returned the next day to say he was sorry.

WHEN HE WAS HOW OLD, Gary

~~In the two years since I had been with Bessie, I had~~
~~sent up to Oregon State Penitentiary for~~
~~she did not learn a great deal about Gary. He was an enigma~~
~~named robbery, while he was there. Frank~~
~~as his mother~~
~~his father died, Bessie~~
 committed WHAT CRIME and was sent to Oregon
~~One year, there were riots in the prison, and Gary took~~
~~state connection, a place for boys too old for regular~~
~~part in them. News came in the penitentiary, and he was~~
~~school and too young for prison. While he was there,~~
~~interviewed on TV. He acquired a reputation from that. A girl~~
~~his father died. How long after Gary came~~
~~saw the show, and liked him enough to begin corresponding~~
~~out of Oregon State Connectional he was~~
~~sent to Oregon State Penitentiary for armed~~
~~was Becky Nystrom, she had a son, she was "plain" rather "and~~
 robbery, That was where Grace would visit
 him with Bessie.

By then, Gary's older brother, Frank Jr.,
 was [sum up Frank Jr.'s life]. His youngest
 brother, Mikal, was an honor student at

WHAT NAME HIGH SCHOOL, where Grace

~~talk turned chabby and sharp and nasty. It was as if he had~~
~~taught, and she considered him [Sum up her~~
~~passed in another place and they were on different islands now.~~
praise of Mikal]. Gary's ~~other~~ other
brother, Gaylen, ~~was many~~ slightly older (?)
than Mikal, was -- Bessie always told
2

~~Gaylen Gilmore came into Grace's life. Gaylen, whom~~
~~Bessie had been talking about for two years. Of all the boys,~~
~~Gaylen was the one who wanted the most to be a writer. He~~
wrote beautiful poetry, Bessie said. He also wrote checks
that had her name on them. ~~One day he put her name~~
~~name on a check for one hundred dollars~~
~~and went into Speeds, where she worked,~~
~~and~~
~~mind, she had never seen a more handsome boy. She laughed even~~
~~more with Gaylen than with Gary.~~

~~The worst thing Gaylen ever did was go into Speeds and~~
~~ask it.~~
~~cash a check that Bessie had supposedly made out for a hundred~~
~~dollars. When Speed told her the check had bounced, she said,~~
Bessie

"I'll turn my next check over to you," and he said, "No, it's
not your fault, you don't have to do it." Bessie said, "I do
have to do it." When she went home, she told Gaylen about the
conversation, and he went out and got in his
car and left for Chicago and was gone for
Five years, while he was gone (?) Bessie
met Grace.

During the time Grace was going to
the prison with Bessie,

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~~she was very fat. Nonetheless, he told Bessie he loved her.~~

~~She wrote beautiful letters. He was going to marry her and adopt her little boy. He had BECKY tattooed on his arm.~~

~~Bess never met Becky, but they would speak on the phone and Becky would send gifts. She mentioned her obesity and told Bessie she was definitely going to lose weight for fear that Gary would otherwise lose interest in her. However, she also had an ulcer. She went into surgery and then came home from the operation. Bessie called her and Becky called back. Then word came that Becky was dead. She had died of the operation after all.~~

~~The prison would not let Gary go to the funeral. He was not a relative. Bessie didn't go, but she sent flowers in Gary's name.~~

~~Not too long after this~~ Gary and four other prisoners in Isolation slashed their wrists. The next time Grace saw him, was when he was on the prolixin. He looked as if he had died, left his own body, and come back in the hulk of a stranger. Grace was reminded of photos of the Zombies in Haiti. His jaw had dropped, his mouth hung open, his eyes were blank as glass, his hands kept trembling. He walked as slowly as a man with shackles on his legs.

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Bessie took one look and burst into tears. The visiting room just stopped. There wasn't a sound. Prisoners kept calling out, "Hang in there, buddy."

All that visit, prisoners kept saying "Steady, boy!" to Gary. He kept trying to talk to Bessie and Grace, but he spoke like a man with stones in his mouth. The only thing Grace could think of was to get Bessie out of there. Bessie said, however, "I will not leave until I see the Warden."

They finally saw an Assistant Warden. He spoke of behavioral problems.

"How could you have done this to my son?" asked Bessie.

The Assistant Warden looked unhappy but he said the prolixin was the best drug they had found for violent and psychotic people.

Grace wanted to say, "This is so much bullshit," but didn't.

Grace never looked on Gary in the same way again. The prison took him off prolixin, and the symptoms went away, but he was a different man to her. There was something not dead in him now, but repellent, something she did not trust. His *talk turned shabby and sharp and nasty, It was as if he had crossed to a different place and they were on different islands now.*