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XII THE GOVERNMENT SERVANT

1.

During the Board of Pardons Hearing, Earl Dorius began to ride along with Gary Gilmore's replies. It was like following an actor in a film. Catching himself with these sentiments, Earl knew he wouldn't call it admiration, but he did feel good about the way Gilmore was conducting himself. Here, the man was on a hunger strike and yet his intellect was charged and he seemed able to control his portion of the meeting. Dorius was glad he could feel something positive since he had lost a great deal of respect when Gilmore tried to commit suicide. All that big dramatic talk about justice, and then he tried the chicken way out. In Dorius' eyes, Gilmore was redeeming himself.

Earl realized, when he stopped to think about it, that this was ironic. The only thing he and Gilmore had in common was that they were each looking to expedite the execution, each for their own separate reasons. It was hardly what you would call a bond. Nonetheless, there he was rooting for

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the man at this Pardons Hearing as if they were members of the same team. Heck, you had to applaud the other guy when he made a really fine play. Of course, Earl supposed the real basis of his feeling had more self-interest than than^{the} The Gilmore business was probably going to be the biggest case of his career. It was certainly the only thing he'd worked on that they might still be writing about fifty years from now. After Gilmore, Earl would laugh, my life will be downhill. Truly, it was doubtful he would ever again be so active on a case of national and international concern. People he had met years ago in England on his LDS mission were even beginning to correspond with him again, people he had actually brought into the church seven and eight years ago. So it had to please Earl that he had been the first man in the office to recognize the importance of this case.

Yes, he had been right, and it had been big, and he supposed the reason he took pride in Gilmore now was because the convict also respected the situation. It would be disagreeable to work on something this momentous, and feel that the individual at the very center was nothing but a con artist with shoddy motives. How much better if Gilmore was sincere in his desire to die with dignity. Earl didn't know if he could explain the connection even to himself, but he felt that

Gilmore's desire, if genuine, was in line with Earl's own larger objectives.

In recent years, some of the justices of the U.S. Supreme Court had actually been saying in speeches around the country that the most poorly represented client in the country was state and local government. That teed Earl off personally. It was equal to saying that the Attorney General's office did not do good work. Such remarks only excited Earl's determination to improve the image the public held of people who worked in government offices, particularly the one he was in. If he had an ambition, it was not to get into politics or see his name in lights, but to become known in Utah as the best State advocate before the Utah Supreme Court. If there was any way he wanted to be recognized on the national scene, it was as an authority on prison law. He wanted to establish a reputation for thorough research and the highest competence in performance. In fact, if there was a constructive criticism to make of his work, Earl could underline it himself. Even on low priority items, he tended to research an assignment to death. It killed him to turn in sloppy work. That meant, for so long as Gary Gilmore was occupying the center of his working life, Earl had been putting in 14 and 15 hour days consistently. Even his kids understood it had to cut into family life. Now, when the children picked up the phone, half

the time they could expect to hear a stranger asking for their father.

~~When he and his wife went to a party, everybody wanted to know the latest ins and outs. For that matter, Earl didn't mind talking. After all his hard work, it was kind of a fun payment to fill people in on what he was doing. Still, he also tried to get the idea across, as reasonably as possible, that they weren't going to look over at the AG's, and actually were trying to do a job they could be proud of.~~

~~So, after the pardon hearing,~~

~~What he could hardly announce to the world is that he happened to be one man who could say he was in the job he wanted, and that his work now gave him what he had always craved during those years when he had had to put in killing hours at a level close to extinction of the best parts of himself. In the order to keep his young family afloat, he had had to work law cases after hours, in the Attorney General's office and~~

~~force to carry him through it all, through missionary work, through college, marriage and law school, the dream that finally he would be able to settle down somewhere and get a few roots established. The fact that he now had a home instead of an apartment, and was the father of a growing family, the fact that he liked his job and was proud of his wife, and~~

For transition concept only; action to rewrite

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~~office~~ start educating a couple of other attorneys into everything that had to be done tomorrow. ~~All these pending cases.~~ He was the only one in the office who had been handling any of this material up to this point. But, now, ~~the National Enquirer was filing a lawsuit in front of Judge Alden Anderson in Federal Court tomorrow morning, and the Mandamus Dorius had just filed against Judge Snow had to be argued tomorrow also.~~ They agreed that Bill Barrett could take the hearing in front of Judge Anderson ^{in Federal Court} and Bill Evans would go before the Utah Supreme Court, while Earl would fly to Denver for his Mandamus against Ritter. A lot of lawyers would be walking around with a lot of briefcases tomorrow.

That night, after he got home, Dorius reminded himself all over again, that Gilmore's execution was actually set for the sixth of December. It was only four days off. If they could just keep the press from getting in for four more days, the prison would have made a powerful point. They would have demonstrated that they were not subject to every media pressure. Ultimately, there could be positive spin-off from that. Nothing like being respected by the newspapers. They didn't go banging into a big bank president's office in Salt Lake to say, "Tell us what you know." But of course, it was not easy for them to comprehend that a warden might have the same

interest and right to decorum as a bank president.

Wardon

Sam Smith called on the flush of these thoughts to say that while he appreciated the work Earl had done on force feeding, he thought he'd wait awhile before trying it with Gilmore, who, at the moment, seemed in no danger of dying from lack of nutrition. In fact, fasting seemed to make him more feisty. It looked like all that thought that had gone into Earl's opinion on this subject might yet prove unnecessary. Still, Sam Smith said, it was reassuring to know they could force feed him if they had to. In the background was the unpleasant prospect of just possibly having to execute a man who hadn't had a meal in days.

~~Earl went to sleep that night thinking that in the morning he would have to argue against Ronald Holbrook's case at trial. But with the execution in Salt Lake. The man was a close friend of Earl's father, and had even bought their house. Earl appreciated the man, but now he realized as a fine lawyer, it was Holbrook. He hoped he'd be worthy of the confrontation.~~

Next morning, just before he left, there was a phone call from **Earl's** office. It was the largest kind of news. The United States Supreme Court had just put a stay on Gary's execution.

Gilmore's mother, Bessie Gilmore, had filed a petition through Richard Giaouque, and now the United States Supreme Court was going to look into the merits of the case. Over the weekend, Earl might have to start on the biggest brief he had yet tackled. He didn't know if he was up for that. The burden of working twelve and fourteen hours a day had certainly caught up. ~~He could tell by the way it annoyed him that Holbrook was sitting in first class on the plane trip and had plenty of room to spread out his legal documents and review his case, while Earl was jammed back in economy in those narrow seats and so obliged to contemplate the fact that he who used to be a track man, now weighed thirty pounds more than when he first got married ten years ago. All the while he was trying to get his mind off the Supreme Court and onto Federal Circuit Court in Denver.~~

The atmosphere was awesome there at first but after awhile Earl realized that no conclusion would be handed down in Denver this day. To his surprise, the Tribune claimed that favoritism had been shown by the prison to Schiller and Boaz while Earl thought that was a big mistake for the other side. First of all, it called for fact-finding and that meant delay. The Court decided to ask for affidavits from the prison on how and why Schiller had gained entrance. Since Schiller had gotten in by misrepresenting himself to the guards, the facts

which
fact

~~when gathered would weaken the case for the Tribune. They had built too much on the supposition that the prison had collaborated with Schiller. Earl flew back to Salt Lake feeling good about what had happened in court that day. He was also thinking, however, of the prodigious work to be done this weekend to get ready for the U.S. Supreme Court. He would have to rally some very tired energies.~~

to the office, though,

When he got ~~in~~ they told him not to worry. Bill Barrett had been assigned to that one. Earl should just take a rest. He had earned it. Well, Doripus knew he needed the time off.

~~He could tell by how irritable he was getting. The headlines in the Tribune that day had never mentioned him, but said instead, "Salt Lake Tribune sends affidavits to Denver." Whenever the Trib didn't overshadow him in a story, they ignored him.~~

What with the eighty-hour weeks he had been putting in, he was certainly not in shape to tackle a brief of that dimension. All the same, he felt like he'd been left on a legal siding. The real momentous Supreme Court stuff would go roaring by.

XIII BIRTHDAY

1.

TRANSCRIPT OF RECORDED TELEPHONE CONVERSATION BETWEEN GARY
GILMORE AND RON STANGER AT UTAH STATE PRISON--DECEMBER 3

STANGER: Now, okay Gary, have you seen the petition
for the stay of execution that has been filed
by your mother?

GILMORE: I heard about it on the radio.

STANGER: The attorney is Richard Giauque. Remember
that blond haired guy from the ACLU that
spoke at the hearing? The one with the
brief who represented all the ministers
and rabbis. Do you have any idea how he
got to your mother?

GILMORE: I don't know. I'd like to talk to my
mother... Anything further on me getting
to talk with Nicole?

STANGER: Yes. The hospital director, Kiger,
called back about two hours ago. You've
got his back up so tight, he won't move
at all. What do you think about bringing
some public pressure on him?

GILMORE: I think it's a damn good idea. That's
why I haven't been eating. I was hoping
that hospital would be besieged with public
pressure.

STANGER: Yes.

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GILMORE: I'd like to shoot Kiger.

STANGER: He's kind of weird.

GILMORE: Well, all them doctors are weird. You ever met a psychiatrist who had all his marbles?

STANGER: God, he's crazier than those he treats.

GILMORE: You know I spent \$160 today on canned foods and all kinds of different snacks and stuff like that and I have them locked in the cell next to me and as soon as I get my phone call to Nicole I'm going to have them open that cell. I've got a can opener and I'm going to have at it. Now, I'm a pretty hungry son of a gun and if you can do anything to facilitate that phone call . . . I'll accept whatever restrictions they want to put on it. But it's got to be a conversation, not a tape recording, and, uh, then I can go eat my food.

On her visits, Kathryne would tell Nicole that Gary had wanted her to die, not him, on that first suicide attempt. Nicole would think it could very well be true. Gary didn't want any other man to have her. Still, it never changed her feelings. It wasn't like he had been trying to do it cynically so that she would be gone and he would live on. He would certainly have followed her in the near future. So she never got too bothered by her mother's accusations. She just wanted to see Gary. It was maddening not to be able to get a phone call or a letter. Sometimes she'd fantasize getting ahold of a gun long enough to make them call the prison. She would say that if they didn't let her talk to Gary, she

was going to blow her head off.

Then, Ken Sundberg, who had been ^{retained} by Kathryn at Phil Christensen's advice, to be Nicole's lawyer, brought in a *illegally* letter from Gary. It was the first to get through, and it was a quiet letter. Gary just told her not to let the place get to her. Everything was going to be okay, he said. He didn't talk about death or dying. He even seemed to stay away from that. He only wrote about how much he loved her. Only later did she find out that the only way Sundberg, who was a nice fellow but an uptight Mormon, had agreed to bring in the envelope at all, was if Gary would make no reference to suicide.

After Nicole finished reading, she wrote a line or two beneath, and sent it back with Sundberg. Then she got an idea. She had taken to writing poems, and the people who watched her were accustomed to see her scribbling away in that notebook, so for Gary's birthday she wrote a letter instead, tore it out when no one was looking, put it in her shoe and slipped it to Sundberg who she felt she should trust halfway, at least.

At the top she had written December second and put a question mark after it as if she were uncertain of the date. Then, beneath it in parenthesis, she wrote, (Wednesday

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nite). It was, in fact, Thursday night.

Gary

i love you. More than life.

i think about you constantly. You never leave my mind.

Before i got your letter i felt as if i was only half
alive not knowing how you were. They won't tell me nothin
here. When i awoke in U.V. hospital i was only told that you
had also awoken. i tryed callen you then--And the warden was
seriously considerin lettin me talk to you but he told me to
call back after he had conferred with one other person about
the matter--Next thing i knew i was being escorted here. And
here is like being buried alive. Cut off from life. You.
Oh, Baby, i miss you--

i've read your letter every chance i get. Your words
touch my soul.

Gary, i know what thing my mother has said, at least to
me. Things that hurt. i didn't defend you, it would have
done no good.

i love you

As you said in your letter, you do not need my life for
yourself.

i am yours through all things and time. All Things and
Times. i was thinking of the best nite we had . . . that

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was a nite of ecstacy and Love more tender than mere words can
speak on. I call it Sweet Apprehension.

I despise this place. This place despises me. it is
all you said it to be. Sheep, rats.

Darlin lites are out. i can jest barely see these lines.
Tomorro is my sanity hearing. Or re-hearing i should
say.

i admit, Love, i fear i will be re-committed.

You are wise my Love

Your eyes see more than mine

Touch my soul with your truth

And i will remain

Strong.

Forevermore

Nicole

2.

Deseret News

Utah Slayer, Now 36, Still Wants to Die

Point of the Mountain, Dec. 4--Condemned
killer, Gary Mark Gilmore, still professing
his wish to die, observed his 36th birthday
in the Utah State Prison today.

Gibbs got Big Jake to buy him a card, and he sent it

to Gary. It read, "I hope you have many more happy birthdays." He knew that would touch Gary's sense of humor.

Brenda and Johnny took the children and went up to the prison and had a birthday visit with Gary on the phone. "Hey, cousin," she said at one point, "did you know that you are claimed to be the most notorious convict in the United States? That's what they said about you last night." She put it out in a half joking way, but he answered in a strained little voice, "I would much rather be acclaimed on my art ability and my intelligence." It was his hungry stomach speaking. He sounded like an empty eggshell. "I don't appreciate this kind of publicity," he complained.

Brenda said to herself, "Maybe Gary doesn't like the publicity, but he's sure enjoying it."

~~On the way out, there was this cute girl waiting in the
cold with a photographer. When Brenda and Johnny wouldn't
talk, and got into their car, the girl and the photographer
chased them to Tony's place in Lehi. Since the children were
along, Johnny couldn't drive too fast and lose the other car.
Darned if once they were out of Howard and Tony's, these two
people didn't knock on the door. They were from People maga~~

zine they said, and wanted an interview.

Brenda and Tony told them no, didn't want to talk, but they still came back a little later. At this point Howard and Johnny went out to tell them to leave, or the police would be called. Brenda couldn't believe it. The reporters turned *more* abusive and pushy. She and Tony just turned the dogs loose, which was enough. The girl and the photographer left.

Gary had given Vern a list of names and the amount of money he wanted each person to receive. Brenda was to get ~~her sister~~ \$5,000, and Tony \$3,000. He gave \$5,000 to Sterling and Ruth Ann. He also wanted to give \$3,000 to the babysitter Rosebeth and her family, but Vern gave him an argument about that.

Then Gary talked about a couple of girls in Hawaii who had been writing him love letters. He wanted to send them a few hundred dollars. Vern agreed, but never withdrew the money. Kept it in Gary's account. He figured about the time Gary had given it all away, he'd be happy to discover a few hundred left. Of course the way Gary handed it out, was enough to make him sick.

There was a convict out in the midwest named Ed Barney.

Gary got a letter from him one day and told Vern that he'd known the guy at Oregon State, and during one period they put in a lot of time in segregation together. They would have long conversations from cell to cell, next to each other, but never able to look at each other. Just having to talk out into the hall, having to yell, in fact. "Ed Barney is a great guy, Vern," said Gary. "He is one of my very best and dearest friends. I want you to give him a thousand dollars." This was one habit of Gary's that must have come from his mother. In the old days Vern had noticed that whenever Bessie was describing a good-looking man or woman, she would get carried away with the power of her description, and finally say, "That was the best looking man (or woman) I ever saw." She must have described a hundred people that way. Gary was the same about friends. Today, Sterling was the best friend he ever had. Yesterday, it had been Leroy Earp, or Vince Capitano, or Steve Kessler, or John Mills or many another prison buddy that Vern couldn't even keep in mind. Tomorrow you knew another fellow was going to be nominated. Gibbs, for one. So, Vern decided that the award to Ed Barney would remain in Gary's account. Why if they kept delaying his execution, Gary would be broke before he knew it. A few thousand dollars could buy him a lot of comfort in prison.

Vern did, however, have to give \$2,000 to Gibbs. Gary

was insistent on that. Then, there was another fellow named Ron Dragoo. Gary said he'd hurt the man's feelings. something awful with a tattoo he had drawn once, and wanted to give him a sum. Vern had a hell of an argument but finally talked him out of that.

Then there was the mystery recipient. A fellow who worked in Utah State Prison. He was to get a total of \$5,000 in two equal installments. Vern was to meet him on the street corner and hand over \$2,500. Gary didn't say another word about it other than he wanted this job done without argument. Vern had a pretty good idea of what was up. This had to be Gary's insurance against further stays of execution. He finally had a meeting with the fellow, and gave over the money right in a restaurant, hated the idea of it, a wanton waste, and was glad when Gary never paid the fellow the second \$2,500 a couple of weeks later.

Now, out of the blue, on his birthday Gary wanted to give \$500 to Margie Quinn. "Margie Quinn," asked Vern? "Yeah," said Gary, "you know, that nice little girl, Ida introduced me to." "Well, why do you want to give her \$500?" asked Vern. "Well," said Gary, mimicking the way Vern said "well", which was always very soft as if he wanted to draw you close, "Well, I happened to break the windshield on her

car."

Vern wasn't too surprised. "I thought you did, you dirty bugger," he said. He remembered that Margie Quinn's mother had asked him months ago if he thought Gary had done it, and Vern had replied, "I don't know. He may have." That was \$500 Vern didn't mind paying.

From time to time, Gary had been saying, "See that my mother is taken care of." It came up a couple of times this day, yet Gary didn't seem to want to give her real money, he'd just say, "I want you to take a ^h thousand dollars to her. Don't mail it. Take it in cash. I want you to take it there." Vern knew it would be days if not weeks before he could do anything like that. On the other hand, Gary never made a single remark against his mother, not a one. It seemed to Vern that Gary went around trying to believe that his mother really did love him a great deal and worked with the evidence pro and con in his mind. Yet a part of him must have kept turning on that evidence and turning on her in his heart, for he sure was stingy about her. Vern had actually had to say, "You can't give \$3,000 to your babysitter when your mother is living without money." "All right," Gary answered, "cut it down. Take a ^h thousand off it. Give that to my ma." Then he would hesitate. "But don't mail it," he would say, "you and Aunt Ida fly down and give it to her in person." Vern couldn't

understand. If Gary was afraid somebody might rip it off, he could send a money order, or have a bank in Portland deliver the thousand by special messenger. Good Lord, it would practically cost half that much for both of them to fly there and back. Even Brenda had gotten into the act. "Just a thousand, Gary?" she asked. "Yep," said Gary. "Why?" "Never mind," said Brenda. She gave her father a look to say, "No sense going further."

Vern would have thought Gary was provoked at Bessie because of the Supreme Court stay, but then Gary had started assigning the money before he ever heard of the legal actions Bessie was taking, and even then he never included her.

3.

On Sunday, Bob Moody and Ron Stanger were interviewed by European TV from Holland, from England and a couple of other countries. Then, they went to the country club for lunch, then out to the prison.

GILMORE: Hey, uh, maybe the Tribune would print an open letter to my mother.

STANGER: I'm sure they would.

GILMORE: And put it in the news services so the Oregonian would pick it up.

STANGER: I don't see any doubt about that.

GILMORE: I'll make it brief, if you want to take it down.

STANGER: Go ahead.

GILMORE: Dear Mom. I love you deeply and I always have and I always will. (pause) But please disassociate yourself from the Uncle Tom NAACP. Please accept the fact that I wish to be dead. That I accept it. That I accept it.

MOODY: Do you want to put "That I accept it" more than once?

GILMORE: Please accept the fact that I want, that I accept death. How, what's a better way of saying that? Please accept this.

MOODY: Maybe please accept the fact that I accept that which has been imposed upon me by law, is that what you're trying to say?

GILMORE: Yeah. That would be alright. I don't want it to look like a death wish by saying I wish for death.

MOODY: I just accept what the law is.

STANGER: Carry out the law.

GILMORE: Uh, I would like to talk to you. I'd like to see you. But I can't, so I'm sending you this letter through the newspaper. (long pause) We all die, it ain't no big deal.

MOODY: Is this in the letter?

GILMORE: Yeah. (long pause) Sometimes it's right and proper. (pause) Please, disassociate yourself from that Uncle Tom NAACP. I'm a white man. The NAACP disgusts me that they even dare associate themselves with me or that they dare even, or that they dare anything. Well, read that to me and I'll think of what I want to say . . . Uh, I could have made a few disparaging remarks about niggers but I do have a few black friends you know,

and, uh, very few. But, the NAACP ain't among them. I mean they're so Goddamned phony. Do you know anything about the NAACP?

STANGER: Oh yes.

GILMORE: Every spook I know hates them.

MOODY: Is that right?

GILMORE: Yeah, just like they hate Martin Luther King because he was such a pacifist you know. The NAACP, they're non-militant, they're passive. They're very wealthy people that run it.

MOODY: What do you think the average black man would like?

GILMORE: Just some watermelon and some wine.

The prison had moved Gary back to the hospital and today they could not see him, only hear his voice over the telephone. It sounded acidulous. "Black people," he said, "learn by rote more than anything else. You show them how to do something, and they can do it." He paused as if imparting valuable information. "On the whole continent of Africa, they never found the wheel or anything more deadly than a spear. That's what I think of black people. It ain't a hatred, just fact. I don't care if one guy did something with some peanuts a long time ago."

Ron could feel the growling in that empty gut and he could feel the hatred coming through the telephone wires,

coming through the walls. He felt as if a dark side of Gilmore was running like a current into his ear. Man, he had an evil nature when he was evil. Stanger could just imagine that hard look in Gary's eyes, that immovable hatred. Stanger was very happy at this moment that he had never belonged to the NAACP or the ACLU.

Mikhail had not spoken to Gary for close to four years, but he was to hear his name often enough that first week of November. With increasingly hypnotic interest in the voice of the announcer, it came in over the radio, and the titles about news stories slipped out word and word each day, until they were headlines, on the front page. After a week of living near to Leslie's bewilderment over what to do, a confusion by now, close to horror, Mikhail made a phoned call to that State Prison.

Gary, when he got on the line, was perfunctory. He spoke not as to a stranger, but to an equal, and he informed Mikhail that he had just hired a lawyer named Dennis. Dennis would appear with him some morning at the Utah Supreme Court. At that time he would ask that the stay be lifted from his death sentence, and the execution carried out.

Mikhail was too agitated to control his words. "Are you

XIV THE NEXT FRIEND AND THE FOE

1.

Mikal had not spoken to Gary for close to four years, but he was to hear his name often enough that first week of November. With increasingly hypnotic interest in the voice of the announcer, it came in over the radio, and the titles above news stories leaped out more and more each day, until they were headlines, on the front page. After a week of living near to Bessie's bewilderment over what to do, a confusion by now, close to horror, Mikal made a phone call to Utah State Prison.

Gary, when he got on the line, was perfunctory. He spoke not as to a stranger, but to an acquaintance, and he informed Mikal that he had just hired a lawyer named Dennis Boaz and would appear with him next morning at the Utah Supreme Court. At that time he would ask that the stay be lifted from his death sentence, and the execution carried out.

Mikal was too agitated to control his words. "Are you

serious?" he asked.

"What do you think?" asked Gary.

"I don't know."

"You never knew me."

There was a silence. Over the phone, Mikal was now immensely aware of the strength of the man at the other end. When Gary spoke, it was to the point. Mikal was to stay out. He was to stay out. Gary did not want interference from the family. Not Mikal, not Bessie, no one.

Mikal could only leave his phone number and request Gary to tell Dennis Boaz to give a ring. That night Boaz brought Mikal up to date on a few details, but it was a conversation maintained at full distance. Tomorrow, Mikal was obliged to ask, would Boaz phone him again as soon as the Utah Supreme Court made its decision?

Boaz said, "Is it okay if I call collect? I'm a poor man."

Boaz never did call. Mikal learned the result by watching TV. When Mikal phoned Boaz, the lawyer said he'd been swarmed with calls. When Mikal wanted to know where Boaz had practiced in California, Dennis said he found Mikal's attitude "belligerent." His agreement with Gary

was private, and he was only concerned with helping Gary to realize his right to die. After that call, Mikal had to recognize that Gary had cut him off again. He decided to wait.

The next news came to Mikal a few days later. A lawyer named Anthony Amsterdam had called Bessie to express his interest in the case, and had a long talk, and said he would soon be calling her son. Mikal was not particularly surprised, therefore, when a voice on the phone said it was Tony Amsterdam.

Mikal
He had already asked a few people about him and had looked up Amsterdam's credentials. They certainly seemed prestigious. He was a professor of law at Stanford University and an expert on cases of capital punishment. A friend of Mikal's in law school said that Amsterdam was not only a member of the Bar of the U.S. Supreme Court but had won a famous case called Furman vs. Georgia where he had shown that black people were being executed in numbers far out of proportion to their murder convictions, as compared to white prisoners on Death Row. That case had resulted in a landmark decision by the Supreme Court which ruled out capital punishment for a while. Mikal also learned that Amsterdam had been a law clerk for Supreme Court Justice Felix Frankfurter. In fact, Mikal knew a lot about the lawyer from the way his friend

spoke the name. This friend was a real critic, and nobody in the legal profession, including his own deans, satisfied him. But when he heard Amsterdam's name, he lit up.

Over the phone, Tony Amsterdam now explained to Mikal that the Legal Defense Fund with whom he was associated had contacts with a network of lawyers out nationwide, who were willing to cooperate on death cases. When one of these situations took off, Amsterdam usually heard about it from several sources. In the last couple of weeks, he had certainly heard a great deal from Utah and had even received a call from Craig Snyder to "inform" him of the problem, plus another from a prominent attorney in Salt Lake named Richard Giauque who had called specifically to say that he was a Stanford Alumnus, and wanted Amsterdam to know not everybody out in Utah was a neanderthal. The case was so shocking that in the course of the last three days, Amsterdam had heard from at least six lawyers he respected. He thought it was time to get in touch with Bessie Gilmore and her son, Mikal.

Now, he went on, he had been considerably affected by his conversation with Mikal's mother. Bessie Gilmore had impressed him as a person of great strength and he knew she was in great pain. He respected the demands of her physical condition, and the spiritual and psychic stress and strain of an ungodly

situation. In the course of talking to her, he told Mikal that he believed his mother welcomed a little help, but was not yet certain she wanted to assert herself in Gary's case, and so had asked him to discuss it with her youngest son.

Mikal listened to this exposition, and knew it was fairly accurate, since Bessie had said much the same to him, although with some suspiciousness. In turn, Mikal told Amsterdam of his own concern that the forces who were interested in abolishing capital punishment tended to be people who had an ideological axe to grind and might not care about Gary. They could merely be seeking to make capital out of this case.

Amsterdam answered that he was concerned with Gary's individual situation. He was not about to subordinate anyone's interest, including, most certainly, Gary's to the service of some general ideology. He was not a man to sacrifice the individual for abstract issues. However, he said, there was a limit to how much you could or even wanted to convince somebody over the phone. If Mikal was willing to talk further, Amsterdam would like to meet with him.

Mikal was impressed, but he said he wished to discuss the matter with his mother and sleep on it. In the meantime, he was curious how much the fees might come to? Amsterdam

explained that his practice was exclusively pro bono. He accepted no fees on any of his cases. In fact, he would write into the retainer that all services were to be rendered free of cost of any sort. There would be no expectation of compensation or remuneration. He was not, he repeated, in legal practice for compensation.

They agreed to speak again two days later.

In those couple of days, Bessie came to agree with Mikal that it would be a good idea to retain Amsterdam. She liked, she said, the voice of this man very much. In it, she could hear not only the possibility but the confidence that Gary was going to live. How depressing therefore to hear in the next day that Gary and Nicole had attempted suicide.

When Mikal phoned the prison a few days later, Gary was in a terrible temper, and said he had just fired Boaz that morning. Hoping this might be a favorable opportunity, Mikal suggested the affair had become a circus and was taking any claim Gary could have to dignity. Moreover, it was ^{weakening} its toll on the family. "What do I owe you?" Gary snapped. "I don't even think of you as a brother anymore."

"I'm sick," said Mikal, "of the way you've shoved everybody around. You're running over a lot of people's lives."

Gary hung up on him. Mikal brooded on it and in another

few days, decided to authorize Anthony Amsterdam to take action on Bessie Gilmore's behalf.

2.

The retainer Bessie was signing, Tony Amsterdam explained, would authorize him to take any steps necessary to protect her interests. He would not need her specific authorization to file one particular document or another. However, he liked to keep his clients closely in touch with each step he took. In her case, he felt it was more than appropriate. He did not want Bessie Gilmore ever to have to learn from the newspapers that something had happened he had not told her about.

Then, he laid out to Mikal the moves he would make. He was going to file a certiorari, or--as it was also called--next friend petition, to the Supreme Court. He proceeded to explain. A certiorari was a legal move time-honored in the Anglo-American tradition. In the old days in England, people in prison couldn't get to court to file a writ. Since there was no mail, the only way in which a petition could ever be filed was by another person on behalf of the individual who was incarcerated. Technically, that form of the next friend still existed, although these days it was not often used.

They were going to claim that Mikal's mother was acting

on behalf of an individual who was not able to protect his own interest. So they had the right to sue the State of Utah and the machinery of execution. Next friend was just a legal term to indicate they had some closeness to the person on whose behalf they were suing. It did not have to be next-of-kin, but as a practical matter, it was good they were, since a court would be more sympathetic to the idea if the next friend wasn't just a crank or meddler, but, in fact, a mother or a brother. That would be their standing, that is what would serve as their right to appear in court.

Amsterdam now went further into the steps he would take. He would file a brief with the U.S. Supreme Court that would list three main reasons why the record had shown itself inadequate in allowing Gary to waive his rights.

Tony Amsterdam then touched upon a delicate point. In his opinion Mikal's brother Gary was a sick man and not acting in a competent manner. The fact that he'd been certified as sane came to no more than that three form reports had been turned in by three form shrinks writing three form conclusions. It didn't tell you a goddamned thing. The doctors involved in the case were a bunch of hacks. Even then, their psychological reports underlined the fact that Gary was suicidal. For instance, there had been mention of his impulse to keep

drawing copies of that well-known painting by Goya, the Cinco de Mayo which showed the execution of a soldier by a firing squad. In Amsterdam's opinion, that was rather a significant indication. Then, having talked to Craig Taylor, he would judge that discharging a competent lawyer, when you are under a death sentence, is a suicide of its own. Gary had raised questions about free will and self determination and autonomy, but, given the situation, oughtn't one's reaction to be the same as if you saw a distraught woman trying to jump off the San Francisco Bridge? These were strong words to use to a brother, and he would certainly not speak in this fashion to Bessie Gilmore, but he wanted to underline to Mikal, what, in his opinion, had been a most superficial treatment of the case, psychiatrically speaking. The question whether Gary was mentally competent to decide on whether or not to appeal his sentence, had not been satisfactorily settled.

However, mental incompetence was not going to be the foundation of the suit. There were two other very important elements. Since Gary, in these recent eventful and dramatic days, had been receiving his legal advice from Dennis Boaz who had a conflict of interest, he had never been advised adequately of his rights. Boaz had said he was writing about this damn thing. If Gilmore became the first man to be executed in ten years, Boaz obviously had a great deal to gain. That would

also be true of the lawyers now retained by his uncle, Vern Damico. For that matter, the uncle was in the same position. So Gary was still not being advised adequately. Even if he was mentally sound, he was in the position of a layman making a legal decision to kill himself.

Then there was the third component. It was the record made by the Utah Supreme Court, when Gary appeared before them. They had failed to satisfy what the United States Supreme Court, over and over again, had said was a necessary procedure for a defendant to follow if he was going to waive any important rights.

Amsterdam said to Mikal that he was offering this advisedly. It was not a matter of his bias or his opinion, but advisedly. Those Utah Supreme Court Judges were not trial judges. They were not accustomed to warning people and making trial records. They were an Appellate Court and so, in this case, they did it all wrong. The proceeding failed by a country mile to measure up to the standards that the Supreme Court of the United States had announced again and again were required standards for someone to waive his rights.

While Mikal no longer had any doubts about filing with Amsterdam, he still felt unhappy that it was Bessie who

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signed the retainer rather than himself. While his mother never said a word about it, her decision to put her own name on the paper had been done primarily to spare him. It was obvious Gary wasn't going to love whoever did it. So it was her way of saying she preferred love to be lost between Gary and herself rather than a feud commence with Mikal.

Mikal, however, did not have long to brood. Events moved quickly. Amsterdam needed a lawyer in Utah in order to file the next friend petition in the Supreme Court and told Mikal he would choose Richard Giaugue, a fine Salt Lake lawyer who had appeared already before the Board of Pardons. Next thing Mikal knew, Giaugue had filed the petition and the Supreme Court had granted the stay. At the last, it all seemed to happen overnight.

3.

~~By Monday, December 7, Earl was reeling the benefit of a weekend without work, and he went out to the prison and took affidavits from each guard who had let Schiller in, had them typed and sent to Denver, and by the 7th of December, the Tenth Circuit Court ruled in favor of the prison. The Writ of Mandamus had worked. Even though Bill Barrett had just sent out the brief to the Supreme Court, and the office was~~

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ull of talk over that, and he had nothing to do with it, still,
e felt like the day was a high point for him. He had won
case against Holbrook.

~~Bill Barrett was exhausted by then. It had been his turn~~
~~to catch it all.~~ The Attorney General's office had to file
their answer to Bessie Gilmore with the Supreme Court by
5 PM on Tuesday, December 7. ~~Since the call had come in Friday~~
~~afternoon, that meant~~ they had four days and two hours to
get the job done. B.H.

Barrett called all of the law clerks available into his
office, sat them down on the floor, the arms of chairs, wher-
ever, and said, "Okay, let's divide this thing up." Since
they hadn't received a copy yet of Bessie Gilmore's application
for a stay of execution, it was a little touchy, but Richard
Giauque's brief would be available to them in a day or so, and
after what Giauque had said at the Board of Pardons, they
could anticipate most of the arguments. Mental incompetency
was bound to be the brunt of the attack.

~~anyway,~~ they broke the issues down, and assigned it out.
They^N everybody worked their tail off. ^{when} ~~Bob Hansen was always~~
~~kept aware of what was going on, while Barrett coordinated~~

each person's output toward the final work product and acted as a clearinghouse.

Of course, the other side, as expected, had argued that Gary was suicidal, and thereby mentally incompetent, and so Mrs. Gilmore had the right to step in as next of kin. That was one heavy issue, and it worried Bill Barrett. Between the attempted suicide on November 16, and the date on which they were writing this brief, they had no doctor's testimony to offer. Nobody had assessed Gilmore's competency lately. A couple of doctors had talked to him and concluded that he was manipulating the system and that the suicide attempt had not been bona fide, but there was no solid base of recorded testimony for either side to argue the condemned man's sanity or lack of it. Between the 7th of December, when they handed it in therefore, and Monday the 13th when the Supreme Court was likely to come back with an answer, there would be lots of room for worry.

Still in these days of waiting, Barrett would read over that four-day brief, ^{he} and feel pretty good about sections like this:

To consider the meaning of behavior, it must be taken in context. Viewed within the

contexts in which they take place, all suicides aren't pathological or an indication of incompetence.

This court, (the U.S. Supreme Court) in the recent case of Drope vs. Missouri, 420, U.S. 162 (1975) noted:

" . . . the empirical relationship between mental illness and suicide is uncertain and a suicide attempt need not always signal 'an inability to perceive reality accurately'. 420 U.S. at 181. The court also recognized that there are 'no fixed or immutable signs . . . the question is often a difficult one in which a wide range of manifestations and subtle nuances are implicated!.' 420 U.S. 180-181

The dynamics of Gilmore's position demonstrate his suicide attempt is not indicative of mental incompetence. Gilmore expressed his philosophical acceptance of the court's judgment and asked to be allowed to respond with dignity. It was only after the first of what he feared could be many postponements that he apparently attempted to effectuate the sentence himself. Mr. Gilmore had sufficient experience of prison life that he was able to form an accurate estimation of what it would be like for him to languish in prison.

A failure to recognize Gilmore's right to make a rational choice within the framework of his circumstances and personal philosophical constructs affronts a basic sense of justice. Historical, religious, and existential treatises suggest that for some persons, at some times, it is rational not to avoid physical death at all costs. Indeed the spark of humanity can maximize its essence by choosing an alternative that preserves the greatest dignity and some tranquility of mind.

~~right to~~ there, selling the letters, would go well above a hundred thousand for Gary, Nicole and all the other releases. One way or another, he'd make it.

2.

In the meantime, he thought he'd better interview Gary to see how forthcoming he might be. Since the prison no longer let him in, ~~he~~ ^{schiller} began typing questions on ~~the same~~ ^{the same} ~~kind of~~ ^{kind of} yellow, legal-sized pads Gary had used for his letters, and had the lawyers pass them over.

COULD YOU HAVE EVER KILLED NICOLE AND IF YES UNDER WHAT CONDITIONS?

Yes. And then killed myself immediately afterward. It would be to release us both from our bodies. I couldn't or wouldn't ever kill her just out of anger or jealousy.

WHY DID YOU KILL JENSEN AND BUSHNELL?

There is so much similarity between Jenkins and Bushnell: both mid 20's in age, both family men, both Mormon missionaries. Perhaps the murders of these men were meant to occur.

To answer your question:

I killed Jenkins and Bushnell because I did not want to kill Nicole.

WHAT DO YOU BELIEVE WILL HAPPEN TO YOU AFTER DEATH?

I could speculate, but I don't know--if the knowledge of death is within me, as I believe it is, I can't consciously bring it to the surface.

I just think it will be familiar . . . I must keep my mind singular and strong--In death you can choose in a way that you can't choose in life. The biggest mistake you could make when you die is to be afraid.

DO YOU FEAR WHAT A REINCARNATED BENNIE BUSHNELL MAY DO TO YOU?

I have pondered that--But I don't fear it. Fuck fear. I may meet Bushnell--if I do, I will never avoid him. I recognize his rights.

WAS BUSHNELL A COWARD? WHAT DID HE SAY?

No, I wouldn't say Mr. Bushnell was a coward. He did not seem a coward. I remember he was anxious to comply. But I don't remember anything he said except he asked me to be quiet and not alert his wife who was in the next room.

He was calm, even brave.

DO YOU WISH YOU HAD NOT KILLED BUSHNELL?

Yes.

Wish I hadn't killed Jenkins, too.

DID JENSEN RESIST AND DID JENSEN SHOW FEAR?

Jenkins did not resist.

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He did not show undue fear.

I was struck by his friendly, smiling, kind face.

DID JENSEN AND BUSHNELL DIE LIKE MEN? LIKE YOU WANT TO DO?

They showed no more fear than you'd expect from a man being robbed.

I'm almost certain they didn't know they were going to die until it was done.

DO YOU RECALL ANY FILMS OR NEWS REELS IN WHICH YOU'VE SEEN MEN DIE BEFORE A FIRING SQUAD?

Private Slovak--

Sure said a lot of Hail Marys, didn't he?

IF YOU HAD A CHOICE, WOULD YOUR EXECUTION BE ON TELEVISION?

NO.

Too macabre.

Would you like your death televised?

At the same time, I really don't give a shit.

After he had filled in the answers to these typed questions, Gary said over the phone to Vern, "Some of this is getting too damned personal."

Vern replied, "Gary, if you don't want to answer, just tell him that. Don't bother to answer. He's not going to twist your arm."

"Yeah, I know," he said, "but I still don't like the

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questions."

the attorney,

"Say," said Stanger, reading the replies. "It's Jensen, not Jenkins."

"Did I say ^JHenkins? Dammit," said Gary, "I hate getting his name wrong."

DID YOU REALLY WANT TO "START OVER" WHEN YOU CAME OUT ON PAROLE THIS TIME? DO YOU THINK THINGS JUST STARTED SNOW-BALLING AND YOU GAVE UP TRYING? YOU WERE FUCKING UP ANYWAY SO WHAT THE HELL . . .

Yeah, what the hell! Wish I could talk to you, Schiller. I don't like to write. Just ain't the same as talking. You'd get more spontaniety in verbal exchange and, hence, better answers. I'm very concerned that you understand me correctly. Please try to arrange a personal vis a vis contact soon.

I can tell by your questions that you really don't know what I want to tell you. You're about 35 degrees off the mark. This is a piss poor way to communicate.

IT MAY SEEM LUDICROUS, TERRIBLY PSYCHOANALYTICAL, INANE, WHATEVER, BUT WHAT DO YOU THINK OF YOUR MOTHER AND HER ROLE IN YOUR EARLY LIFE?

I love my mother. She's a beautiful strong woman. Has always been consistent in her love for me. My mother and I have always had a good relationship. Besides being mother and son we're also friends. She's a good mother of pioneer

Mormon stock. A good woman. What do you think of your mother?

HOW DID YOU FIRST MEET NICOLE? HOW DID YOUR RELATIONSHIP START?

It was, to each of us, like finding a part of us that had been lost and missing for a while. I can't prove it, but I know.

Want to know something else? I've been famous before-- not infamous like now, but famous and rich too. Maybe that's why this don't mean a whole lot to me right now. This is all happening as it was meant to. Inward--in that quiet place that counsels--I always knew. It's no surprise. Nothing to get choked up about.

"That's fantastic stuff," said Stanger to Schiller. "Don't you think."

"I'm not so sure," said Schiller. "He's still giving it off the top."

3.

~~Mostly felt more pressing problems than the answers
to Schiller's questions were satisfactory. The day, Sam
Smith was saying like there were new restrictions on the law
were that Bob simply could not believe Schiller's
about being a Hollywood producer had never even hearing a sound~~

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XV FAMILY LAWYERS

1.

Schiller had been going over finances to see what he would require for releases, motel and hotel bills, stenographic and photographic equipment, and decided that one way or another,

he was going to need another \$60,000 above ABC's contribution.

~~had already paid Gilmore alone. There was only one way to raise that. He would get them or~~

He

~~Gary's letters to Nicole, and sell them to the National En-~~

~~quirer. Of course, he'd have to do it through an agent, and~~

~~keep his own name out of it, or he would blow his fucking~~

~~credibility. Worse. Gary could say: you've violated your~~

~~end of the agreement, now I'll violate it.~~

~~The ethics, however, were made off, as far as Schiller~~

~~was concerned. First of all, legally, the letters did not~~

~~belong to Gary but Nicole, and the Baker family was~~

had been

~~being well paid. Moreover, he had trusted Gilmore. He had~~

~~paid the entire amount, \$53,000, in one shot--a \$52,000 check~~

and

~~from the New Ingot Company signed by Chuck Rames and Larry~~

~~Schiller (by way of ABC), and a \$1,000 check to Gilmore for~~

Cash for spending money,
spending money,
in Prison.

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~~XV FAMILY LAWYERS~~

~~Schiller had been going over finances to see what he would require for releases, motel and hotel bills, stenographic and photographic equipment, and decided that one way or another, he was going to need another \$50,000 above Nicole's contribution.~~

There was only one way to raise ~~that~~ ^{more money.} He would ~~get~~ ^{sell} Gary's letters to Nicole.

~~and sell them to the National Enquirer.~~ Of course, he'd have to do it through an agent, and

keep his own name out of it, or he would blow his credibility. ~~Also, he'd have to figure out how to deal with Gary, who didn't want the letters~~

~~end of the agreement, now I'll violate mine.~~ ^{made public}

~~The ethics, however, were a whole different matter as far as Schiller was concerned.~~ First of all, legally, the letters did not

belong to Gary but Nicole, and the Baker family was ~~certainly~~ ^{had been} being well paid. ~~Moreover, he had trusted Gilmore.~~ He had

paid the entire amount, \$53,000, in one shot--a \$52,000 check from the New Ingot Company signed by Chuck ^{Fries} ~~Fries~~ and Larry Schiller (by way of ABC), and a \$1,000 ^{cash} ~~check~~ to Gilmore for

~~There was no way to raise~~
 six copies. How could they be certain he had not made seven?
~~The money, Schiller would~~
 They never gave any hard, fully acknowledged consent, but
~~from that moment he knew he could go ahead.~~

The next problem was where ~~to sell~~ to sell the stuff.
 The Enquirer ^{made} a firm offer ^{of} for sixty grand, ^{To Scott Meredith, the} but Schiller
 was ~~debating~~ whether he should offer the package to Time
 Magazine for what might be no more than a third of that sum
 but ~~with the~~ prestige. Maybe he'd even throw in an interview
 with Time. ~~There was no use, however, discussing that at~~
 too low a level. Schiller called up Henry Grunwald, the ^{managing}
 editor, and got sent ~~only a note~~ to the senior text
 editor. There they began to volley it back and forth. All
 the while, he ~~was playing with~~ the Enquirer ^{was still talking to} on the side. ^{Meredith}
 Their offer had gone from sixty to sixty-five. Schiller could
 use more money the way a farmer without a tractor is ready for
 a tractor, but he hated how the Enquirer would cheapen the
 property. ^{He told Scott that} In the interval, Time looked like they might even
 go up to \$25,000.

It was then he got the idea to sell an in-depth Gary
 Gilmore interview to Playboy. That ought to be worth another
 twenty. Splicing the rope with Time and Playboy, he could
 bring in forty thousand at least and that plus the ABC money
 already spent, plus whatever he could pick up in Europe by

the case, and move on. It was also nice to pick up the congratulations of lawyers who were real friends. So, on the whole, he felt relaxed. Cases like Gilmore hurt your practice, and helped it. They changed it. He liked to think of himself as a man who wasn't paralyzed by the idea of change.

GILMORE: You tell Larry Schiller I want that phone call to Nicole. I'm sure that Schiller can put pressure on people if he wants to.

STANGER: Larry's quite a mover alright.

GILMORE: You guys have made some moves, but it hasn't been enough, I haven't gotten the phone call.

STANGER: It hasn't been successful.

GILMORE: Man, I've gone 16 days without eating, and I'll go forever. I'll do whatever I have to do to get that phone call. If it takes a bribe, pay it. I don't give a shit what it takes.

GILMORE: This isn't going to sound real fair to you. I think for the moment I'll just let the questions go. I want to talk to Nicole and I don't know if I'll be cooperative with anybody until I do. I guess that sounds like an ultimatum, I don't know. I think I'll just take a stupid stubborn firm stand and maybe let the bottom drop out of the whole thing. Just let it all crumble. Until I talk to Nicole. I don't know if I have the right to ask you to arrange a phone call in order to get answers to these questions but I guess that's what I'm doing.

STANGER: You've got a right to ask what you want Gary.

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MOODY: We're working for you, Gary. You tell us what you want us to do.

GILMORE: I want to talk to Nicole.

Schiller sent a telegram to Gary and told him that they were both present at an historical event. He, Gary Gilmore, was there ~~to~~^{to} make history. I, Larry Schiller, am here to preserve it, not alter it. This, wired Schiller, has always been the nature of our agreement.

(see Telegram)

He had chosen a language to get by Sam Smith, or whoever would be the censor at the prison. It was his way of saying that Gary was breaking the agreement. Still, he thought the phrasing in the telegram would work for him. Words like "history" allowed Gary to loosen up.

A day later, Gary began, in fact, to answer questions again. He was still angry at Schiller, however.

WHY DID YOU ROB BEFORE YOU KILLED--WHY NOT JUST KILL OR JUST ROB?

That's a good question. A valid question. I may as well have just killed--but I'm a thief. A ex-con, a robber. I was reverting to habit--perhaps so that it made some sense to me--so that I could at least try to justify it to myself.

Hope I've answered this one.

Now, Larry, I have a question for you, and I'd appreciate a prompt, honest answer.

Have you read the letters I wrote to Nicole?

Tell me.

Moody and Stanger were being paid reasonably well for the job, but as Schiller had told them more than once, if Gary didn't answer the questions, an awful lot could be lost.

Besides, they didn't want the feeling of a job they had failed to bring off. So the lawyers tried to devise a way for Gary to telephone Nicole. Many a scheme was discussed. Schiller looked into a mechanism that could connect two separate phones in one office. Then Gary could put one call in to Moody just as Nicole was phoning in from her end via Sundsberg.

In the meantime, trying to keep Gary happy, they kept ferrying letters back and forth. Naturally, Gary wanted to know how good looking Ken Sundsberg might be, and Moody and Stanger had to assure him Sundsberg was a devout young Mormon and would not drive a wedge between Nicole and himself. All the while, Gary also had to be sworn to that Larry wasn't getting a copy of the new letters.

illegally

TRANSCRIPT: GILMORE, STANGER AND MOODY
IN UTAH STATE PRISON DEC. 7

GILMORE: Okay, can I ask you guys a personal question?
Sometimes when things become a reality, people

don't think about them exactly like they thought they might. Now my execution has become a reality. You guys aren't going to have any misgivings? You're not going to have any second thoughts?

STANGER: No.

MOODY: Let us say this, Gary, I think Ron and I both have come to look upon you and feel and treat and consider you to be a good friend and I don't like the thought of your being executed, but damnit, we're here to do what you want. We'll continue to work at that even though it is not a pleasurable thing to even think about.

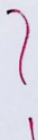
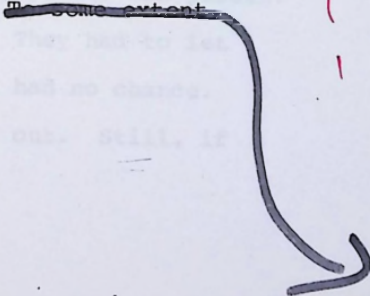
STANGER: It certainly is not.

GILMORE: You know I'm not asking that you like me. I'm not a likeable person, right.

STANGER: Whether you like it or not, we've grown to like you very much.

GILMORE: The only thing I ask you to is just respect my own thoughts about death.

Actually Stanger was wondering whether he could respect Gilmore's thoughts about death. For one thing, it was like being in a play. Stanger didn't really believe Gilmore was ever going to get it. There were too many people, judges included, throughout the legal profession who were secretly hostile to the idea of capital punishment. On the other hand, Stanger didn't see why he couldn't give his utmost to the role and respect the play he was in. ~~To some extent,~~



~~of the big family." Later on the plane, "We know, we didn't
 it have been funny if you told them we were both sterile?"~~

~~The point to his life, as he saw it, was that it took a
 cutter to play a role, an ability to find your comfort in un-
 comfortable situations.~~ For that matter, he had a ploy coming
 up that was going to agitate a lot of people, a little Writ
 of Habeus Corpus, that's all.

4.

Gilmore's lawyer asks court to set Gilmore free

Provo, Dec. 7--Gary Mark Gilmore's lawyer asked the courts to free the killer because the state did not carry out his execution within 60 days as required by law.

Attorney Ronald Stanger filed the request for a writ of habeus corpus in Fourth District Court in Provo. "We're not trying to delay anything," Stanger said, "but we're trying to give Gary as many legal rights as he's entitled to."

It was, of course, so wild, it was off the table. There was no prison sentence on Gary after^{all}, just a death penalty. Yesterday, December 6, the end of the 60 day period had passed. So now, there was no proper incarceration. They had to let him out of jail. So went the argument. It had no chance. They damn sure weren't going to let Gilmore out. Still, if

the government continued to delay, it could make for an interesting issue. Stanger's law office even hired a girl from the County Attorney's Office to do research on the matter, and she put in 40 hours. There were remote, but interesting, legal possibilities.

The main thing, actually, was to give Gary a little action. He needed an opportunity to challenge the establishment. It was a way of saying: You smug bastards, you think you're doing a good job? Why, you're making a mess of things. Can't even obey your own idiotic laws?

That writ of habeus corpus could lay a foundation. The government had been saying, we're going to execute this man, and then saying, oh, no, we're not! Saying we're going, and next, we're not going; execute; not execute; yes, no. How many times could you do that in violation of the statute? What if they kept reviewing it back and forth for years? The individual was entitled to certain protections. There had to be a point where such acts were not only unreasonable but unconstitutional. Society had no built-in right to use a man as a guinea pig in order to decide legal issues. If ~~it went on~~
~~there was always the chance you could get it into a federal~~

~~... and one never knew if he might rule!~~

Besides, it could amount to one more factor the Supreme Court had in mind while they were deliberating. No high court liked to see the law look ridiculous, and the longer the Supreme Court kept the stay in force, why the more something would have to be done by the State about this habeus corpus. Stanger didn't want to think that high but who knew? Supreme Court justices might act like any other lawyers. A contest of law often came down to who succeeded in putting more straws on which camel's back.

XVI ~~A BRIDGE TO~~ THE NUTHOUSEI.

Tamara was now living with her brother, Cardell, and to her surprise Larry Schiller called one night and told her he was familiar with the work she'd done with Nicole and would like to talk to her. Maybe she would be able to work for him. He just wanted to discuss the possibilities. Could they meet?

~~For a moment~~

Tamara suggested he come to her brother's home for the talk. Cardell was an insurance salesman, and fourteen years older than her, and she respected his judgment greatly, especially since Schiller had a pretty ~~bad~~ ^{questionable} reputation around the journalists she knew.

A lot of newspaper people were in the position of having to get Gilmore stories however they could, and Schiller had just flown in with his checkbook and tied the whole thing up. Everybody was mad at that. Still, she agreed to see him. She thought she was an open person. Even if she had a bias, she

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man, probably, in the same way, parallel problems. So when her brother went out, Schiller said, "I bet you made it with a con one time, and then the con fucked you over."

Tamara couldn't believe it. She stammered, "I didn't make it, because it wasn't that kind of relation. Wasn't sexual. But I was in love, and Nicole let me read Gary's letters because she knew about the letters I used to get from my friend the convict."

Schiller went back to LA on the night plane, figuring that the pieces were beginning to come together. Now, he had a professional link with Sorenson on the Trib, and what might be a real in on the Deseret News.

What he had not quite mentioned to Tamara was his strongest motive in seeing her. He was getting worried about Nicole. There would come a day when Nicole would walk out of the hospital, and he would approach her. If they didn't get along or if Gary was mad at him and told Nicole not to talk, Tamara might be indispensable. Through her, he would be able to build a second bridge to Nicole.

1.

The first few weeks Nicole was in the void, they couldn't

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ask her to do a thing without having a fight on their hands. It wasn't physical, but she really told them off. She had them running, too. The rule was that it was absolutely against the rules to have people locked up, and there they were running this surveillance on her all the time. She let them know they were breaking their own rules. She was a bitch, verbally.

Doctor Woods disgusted her. She would ask him innocent things, like, "Do I have to eat all you give me, every meal?" and he would look at her like he was afraid to give her anything solid in reply. She thought he was a great pussy. This big, good-looking guy who would never commit himself. For awhile, she was just telling everybody off.

She was so angry at herself for failing in that suicide. Now she was really out of control of her own life. She had nothing to control but her feelings. They took care of her actions. They controlled her when she went to the bathroom, they watched her when she ate, they controlled her when she closed her eyes, and for that matter, in the daytime, nobody on the ward was allowed to close their eyes except for blinking. They didn't allow you to rest your head on a chair. You couldn't go to sleep before eight at night. Here were all these patients, fuck-ups and convicts, kids in here for one bump or hassle with the law, all letting that be done

to them. Even acted like they needed this business of living by their own rules.

Every day they would sit down at one committee meeting after another and discuss their rules and rewrite them. Then they'd get into new hang-ups carrying out the freshly rewritten rules. It took Nicole a long time to realize that that was exactly the way the place worked, that a lot of them got to like writing and rewriting the rules, then trying to live up to them, then discussing the shit and nitty gritty out of the change in the new rule. It was a comedy. It was all to get you interested in making it work. She wasn't interested. Every time she looked out a window, she would think maybe she could jump out one day, not break a leg, make it to the road, make it out of town. But she knew she couldn't get out of the place. Any attempt to escape would really lock her in. Her hopes now were centered around getting out on her next court appearance. She had to convince them all she wasn't suicidal.

She didn't try to decide privately whether she might be or might not. If they let her out, maybe she would play it straight. On the other hand, she might decide to start running down the middle of the freeway until some big Mack clapped her in the ass. For now, she just wanted to get out. Couldn't stand the rules. The place was so full of shit. Everybody

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was squealing on everybody. So and so broke the rules, they were always screaming. Then, they would tear each other apart. Each one would talk about how the other one had broken the rule that was passed in the committee the day before. The air you breathe was a rule. Rewrite it. Nicole tried not to get involved, but after a while, you couldn't help it. Those rules were so fucking stupid you had to try to improve them.

After awhile, she dug that one rule they were telling the other patients but not her was that nobody was to mention the name of Gary Gilmore. And no papers came into the ward. If Nicole brought up Gary's name, nobody answered. People looked at her like she was really loony. Ha ha. Like she must be kidding. Finally, they even told her she was not allowed to say his name. She didn't care. It offended her to put the sounds of his name in the ears of these sheep.

Yet she did care. One time, when her Grandfather Stein came to visit, he happened to say something about Gary and they asked him to leave. She threw a fit, so they put her on silent treatment. Everybody ignored her. Nobody swore or got mad, just dead ass posse staring at her. She would call them names until she almost see them cringing, call them sheep, rats, say they were pussy-whipped, tell them she wouldn't go to their programs. They carried her over. After

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a while, she went. She didn't want to be subjected to physical embarrassment. One night they had a dance, and when she refused to go, they even lifted her up and took her part of the way down the hall until she told them to put her down. She would walk. Then, they started playing the song "King of the Road". She liked it so much, she even danced to that.

Sometimes, sitting in those meetings, she thought the stuff going on was incredible. They would sit there, trying to amend the rules, and she wanted to say, "Idiots, can't you see the right way to do it?" She was no great brain, but compared to these asses, all totally involved in their private bullshit, there were a couple of times when she couldn't help opening her mouth to show them a better way. What she really couldn't understand was the way they were all working at tearing down their own character to become ^{the} number one sheep. Of course, the number one sheep was then the sheep-herder..

God, they were all so obedient! If you left your cigarette^s sitting around where somebody could steal a couple and so start tension, they might vote that you couldn't carry your own cigarettes around any more. Somebody else would hold them and dish them out like you were a kid. Like you could

only get one on the hour, every hour..

Nicole developed this ability to sit through a meeting and not hear anything. She had to. When she took a bath, three girls stayed in the bathroom to watch her not two feet away. They must have been afraid she'd go down the drain, or maybe they worried she'd hold herself an inch underwater till she drowned. When she talked to Woods, she tried to run a line on him, told him about all the nice things she wanted to do when she got out. Some of it was real, and some was made up, but she would talk about getting away from Utah and going to school, or taking real care of Sunny and Jeremy and she put on such a good act, that after a while, it wasn't so much she wanted to live, it was that she wasn't so sure she wanted to die. You couldn't keep being enthusiastic about all the groovy things you were going to do when you got out, without having to wonder a little.

She even tried to make Woods believe that she was ready to live without Gary. Never once did she say that without also saying to herself that she was putting the man on. Yet, even in the middle, deep inside, she could ^{hear} herself saying, "Keep it up. You're going to be believing it too." Then, she'd blow everything she'd ^{gained} ~~going~~ with the doctors by losing

her temper.

They had a rule you couldn't sleep without a nightgown. She hated that. She always slept with nothing on. One night, after she slipped her nightgown off under the covers, damn if three girls didn't come down on her to put it back on. The problem, they tried to explain, was that they also had to keep a guy on the watch.

Still it irked her to have to sleep with that nightgown. She would be discreet and wait until she was a body under the covers. There would always ^{a body} be sitting in a chair in the shadows, one of the girls on posse. They took turns. Some of them had to do it as punishment. All through the night, on guard, they'd be waking each other up to keep a watch on Nicole, and there she would be with her nightgown smuggled off at the foot of the bed, alone with the feel of her own skin.

Every day she stayed in the hospital, she felt as if slowly, real slow, but real sure, they were squashing her soul. Sometimes the depth of it would come over her right in a meeting. There she would be sitting in a line of girls, listening to them bitch and holler and she would put her head on her knees and never even look up, not once, never react to anything that was going on, just sit through a whole meeting and cry with her head on her knees. Nobody paid any attention.

One girl or another was always off like that. It was the goddamnest government she ever saw, half the kids crying and the others passing laws and ratting on each other, or standing up and making speeches usually full of bullship^t. A lot of them wouldn't even remember what they started to say, a bunch of nuts and fruitcakes, all trying to set up new rules. They'd argue about how you got on the floor in the first place to say you wanted to get on the floor when, in fact, all the while you were sitting on the floor already. Rules of procedure. It was a big pain in the ass when all the while you knew you absolutely weren't crazy. Nicole wanted to say, you goddamned idiots, it doesn't matter anyway. I don't care if I am crazy. It doesn't matter if you think I am, or you think I'm sick. This is the way I want to be. I don't want to change. I want to be myself. Then, she would realize she was never going to hear Gary's voice again and she would go for hours not thinking about anything. If she had to be without him, what was there going to be in her life?

All the while, as the execution came closer, they kept putting a heavier watch on her until finally she couldn't even close the bathroom door and take a shit. They only worried at the hospital about taking care of their own neck. And on the floor, the patients were forever snitching on each other at committee meetings, one girl saying to another, "You were

having eye language with Billy." The other girl saying, "I wasn't having eye language with him," the first girl saying, "Fuck you, you were. I saw it. I saw it."

A couple of guys had started getting it on in the shower. Homosexuality was totally forbidden in the nuthouse. Next, they caught a couple of girls kissing the guys and that was also forbidden. No sex in the ward at all. So the place was put on deep freeze.

The boys were on one arm of the U, and the girls on the other. They could only meet in the social hall between, but after the aids ^s walked in on that sex, they kept the guys and girls apart, and they took the furniture out of the halls.

It was deep freeze right through December into New Years.

The only relief in all this was seeing her lawyer, Ken Sundberg. He seemed human. ~~She didn't trust him altogether,~~

~~but then he was was hesitant, at first, about giving her any information about Gary, and he would have kind of a sheepish Mormon smile and say something about how he could get in trouble or something.~~

~~Still, it was Sundberg who told her about Gary's second suicide attempt. That upset her. She didn't understand how Gary could try to step out on her. It was like he was saying,~~

~~that's the reason she's here~~

~~"I've got to look out for myself, and I want to die." At the same time, Nicole was wondering whether she was sort of saying the same thing in reverse to herself, that maybe she wanted to be alive. It had been so hard for her to get herself up that first attempt. Still, she was slightly embarrassed that Gary had failed in that second attempt. It was if he should have gotten it done right. After Sundberg told her, she decided Sundberg was honest and that helped a lot, because now she felt more free to write to Gary.~~ In fact, after she had a letter written, she would sit and wait on the edge of her chair for Sundberg to come. All the while they were still watching her, twenty four hours a day. What with the furniture taken out of the hall, no couches and no chairs, everybody sitting on the floor, everything was more boring than ever. Nothing to do but squeal. That made all the kids feel real.

Sometimes, Nicole even enjoyed going to meetings. Watch the goddamned comedy.

She was flabbergasted when they nominated her for vice-president of the woman's side. It was at a time when they were trying to get another government together. My God, Nicole couldn't believe a couple of the idiots they were picking. Of course, they didn't have a whole lot to choose

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from, not with fifteen girls on her side of the ward, and five so looney, they made April sound logical. Then the rest were pretty fucking ignorant. She was probably one of the few people in the ward who could add, say, five and six. It wasn't like she'd worked for the nomination. She still wouldn't talk to anybody most of the time or listen, just ignored things all day long. At meetings, when they would turn to her for an opinion, she would say, "Humph". Just "Humph." Maybe she was saying it in a way that really got their attention, like she was smelling the finest and most peculiar kind of shit.

A couple of days later, on Monday, Gibby came back to the ward and brought Gibby out to the front desk where a man was waiting for him, an older fellow with a mustache, who walked with a cane and carried a briefcase. "This gentleman introduced himself as Gibby as Gibby's uncle, Vera Danton, and went on to say that Gibby had asked him to deliver a token of their friendship. He then opened his briefcase and handed over a check made out by a law firm for two thousand bucks.

Gibby asked if Gibby's mother was financially taken care

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XVII

1.

A letter from Gibbs said he was coming up for trial around the twentieth of December, figured he'd be released, and wanted to know if there was anything special Gary wanted before he left the State. He wouldn't be hanging around. He was going to show Utah, he wrote Gary, what Mae West had showed Tennessee, that is her ass, as she was leavin'.

A couple of days later, on December 11th, Big Jake came back to the tank and brought Gibbs out to the front desk where a man was waiting for him, an older fellow with a mustache, who walked with a cane and carried a briefcase. This gentleman introduced himself to Gibbs as Gary's uncle, Vern Damico, and went on to say that Gary had asked him to deliver a token of their friendship. He then opened his briefcase and handed over a check made out by a law firm for two thousand bucks.

Gibbs asked if Gary's mother was financially taken care

of, and when Mr. Damico said she was, they shook hands. Gibbs introduced Vern Damico to Big Jake, and said this was the only jailer Gary liked and had any respect for. To which Mr. Damico replied, "Yes, Gary has spoken well of you, Big Jake." Damico then wished him good luck, said he had some other appointments to keep, and left. Big Jake said, "We should have asked him to have Gary invite me to the execution."

~~The trustees, who had been standing in the doorway, were~~
~~gawking with envy. One of them happened to be taking psycho-~~
~~logy courses at BYU, and got so jealous of Gibbs, he said he~~
~~was going to make a million by writing a book about Gilmore.~~
~~Gibbs laughed and made a call to Galt Lake and had his police-~~
~~man friend Maideman come down to pick up the check and put it~~

Gibbs

~~in the bank.~~ That evening, ~~he~~ dropped a letter to Gary again, thanked him for the money, and ended by mentioning that maximum tank was filled now, six prisoners altogether, including Powers, the fellow they chased once. Gary answered by writing, "If I were there, we'd keep all of them lying on their bunks like little church mice and we'd put Powers in charge of licking out the open pit sulphur mine with his tongue." Gary ended by saying, "I'm still on a hunger strike. I ain't going to eat until they let me talk to my sweet lady Nicole."

told Moody.

"I've been trying," Gary ~~said~~, "to keep my thoughts and

W

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my mood pretty constant, but lately I've been growing increasingly irritated and angry. I want to talk to Nicole. I don't like the idea they got her down there brainwashing her."

"Just as a matter of my personal curiosity," Moody said, "is there any way you will stop this hunger strike other than the phone call to Nicole?"

"Nothing," said Gary, "that's it." He paused to indicate that he knew the price of the remark. "I'm awful goddamned hungry, man," he whispered over the phone.

"I admire you for your courage," said Moody.

"It," said Gilmore, "is just goddamned stubbornness."

"Not very many guys," Moody told him, "Have the strength of their convictions like you do."

"I spent eighteen straight months in the hole one time," said Gilmore. "I don't think this even compares."

~~During the hunger strike Campbell would sometimes ask, "Are you going to break it," and Gilmore would reply, "Not until I have one call to that girl."~~

~~Campbell would tell him, "You're not going to get it, Gary, there's no way. I've been to the hospital to try to convince the doctor. They wouldn't let me see her."~~

~~Campbell wasn't going into details. Woods had said, "Well, you make enough stink, I'll have to," but added, "I hope you understand, it would not be good for Nicole." Camp-~~

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~~he didn't know her mental condition, and if it might be bad,~~
~~he didn't necessarily have a right to push his way in. "All~~
~~right," he replied, "I'll back off for a while."~~

stander

Ron felt as if Gary was putting on a show of strength. **Gary**
made a point of going through his exercises daily, and
would stand with his hands on a chair to show he wasn't suf-
fering. Ron knew, however, that it was getting to him. He
not only was losing a considerable amount of weight, but late-
ly it seemed to have an effect on his thinking process^{es}. It
slowed him up and he would stumble on his words. His cheeks
started to sink in. For the first time, Ron became awfully
conscious of Gary's false teeth. It wasn't that they clicked
now, but his loss of weight seemed to change their seat in
his mouth, and he kind of talked around them now, said every-
thing more slowly and deliberately, as if working around a
marble in his mouth, sort of a tongue-tied orator.

2.

In the middle of the Supreme Court stay, Gary decided
he really wanted Vern and Ida to see his mother and bring
the \$1,000, so they took the plane from Salt Lake to Portland,
rented a little Pinto hatchback that was so pint-sized Vern
felt like winding it up, found the trailer park out on Mc-

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Laughlin Boulevard, and knocked on Bessie's door.

For awhile it looked like they wouldn't get in. They stood on a little half-porch, about three feet by three in area, and rapped on the door the longest time before there came an answer--Bessie was afraid of reporters, or whatever--and it was cold, and Vern's leg was still aching from the operation. Her first words were, "Go away. I can't let you in. I'm not presentable."

They had to talk pretty loud to be heard through the door. Finally they identified themselves, and said they'd come clear from Provo to see her. They had things to talk over. Vern emphasized these were things Gary wanted to tell her. Finally, Bessie said, "Okay, I'll let you in."

Vern and Ida hadn't seen her since the funeral of Grandpa and Grandma Brown almost eighteen years ago, and Bessie had certainly changed. She was no longer beautiful, although more dignified than ever, and she looked to have aged her full share from the pain. Her hair was all gray. She had the washed-out, unhealthy look of someone who was in a great deal of pain and rarely saw fresh air. Ida couldn't get over it. Bessie had always had the most black lustrous hair in the family and her green eyes had been bright as gems. Now, there

seemed to be a soft gray film over them. Nothing like cataracts, just a milky film, and she was very, very thin. Ida knew why she hadn't wanted to let them in. With that arthritis she could hardly avoid a place with litter. When Bessie lived in Provo, while waiting for Frank to get out of prison, her little house had been immaculate. For that reason, Ida wanted to go to work tidying up here, but that woman wasn't her older sister for nothing. She could tell by the expression on Bessie's face that she better not do a thing.

Vern, however, did look in the refrigerator and cupboards, and Bessie was certainly short of food. So he drove down to a grocery store, and bought about fifty dollars worth of stuff. After the groceries were laid away, he said to Bessie that he had some legal papers, and explained that he would, before he left, also have a thousand dollars for her as a gift from Gary. When she started to thank him, Vern said, "I only deliver, that's all. I'm just the mailman." There was some other money she could also have in the way of release papers that Larry Schiller had written up. Before leaving Provo Schiller had said that he would offer a couple of ~~hundred~~ ^{Thousand} for the right to use her name, and Vern said, "C'mon, Larry, you can do better than that," and managed to wiggle another thousand out.

Now he said to Bessie, "Do you want to sign this?"

She looked at the release, thought about it, went back and forth a little, then said, "I don't think I'll do it right now, Vern." He replied, "You know, much as I want to leave Schiller's check with you, I can't do that without your signature," but she didn't sign it.

When they came back next day, she had a nice clean house and seemed to be a little more at ease. Vern had promised Larry he would really try to get her to sign so he brought the subject up again. He could feel how wary she was in business affairs. It was like a deer getting wind of you. Didn't matter if you were approaching with a rifle in your hands, or a carrot, there wouldn't be much talking to the deer. "At this time, Vern," she said, "I'll just hold off." He didn't press her too hard. He did try, of course. He said, "I think, my own opinion is, you should sign. To help out matters, let's all stick together. See if we can't make something out of the whole thing, see if we can't help Larry Schiller out. I believe he's a good, reputable man."

Bessie just said, "No, I want to wait and see," so Vern let it go. No way you could drag something out of Bessie against her will. Just as soon try it with Gary.

As they got up to leave, Vern reached into his pocket and took out the thousand dollars all in cash and laid it on

the table. Bessie broke down and wept. She and Ida embraced each other, and Bessie said, "Well, I can certainly use that." Once again, Vern tried to get her to sign the papers, but she refused, and he returned with all of them unsigned ^{and} ~~papers~~ in his pocket. They left a red hand-knit shawl with her, and fluffy house slippers to keep her feet warm. Somehow, they had never gotten around to talking of the Supreme Court. It wasn't until they got back to Provo on the 13th, that Vern heard they had come to a decision in Washington, D.C.

3.

On the 13th of December, ten days after the stay, Stanger got a call from the Clerk of the U.S. Supreme Court, who said, "Boy, I just want to let you know that we're going to have a decision today. They're really in there hand-twisting right now," and Ron got a picture of nine Supreme Court ^justices wringing their hands. While he waited, he thought they must really be having some stiff arguments over this question and he was excited at the thought that Supreme Court justices were breathing the same legal air everybody here in Utah was sweating up over these chestnuts.

At the Attorney General's office, when word arrived from the Clerk that the Supreme Court vote was now being taken, the

lawyers got around a large table and listened on a conference call, tallying feverishly as the Clerk read the decision of each justice. They were just glued to different extensions of Vern Romney's phone, and so excited they had to add it all up again after it was done, to discover they had won 5-4. Bill Evans, Bill Barrett, Mike Deamer, and Earl Dorius were ecstatic. The stay of execution had been lifted. It was GO again.

A fellow from KSN News, Clint Warbie, was in the room while this was going on, and they had a difficult time confining their emotions. They were all ready to give a big interview to Clint, but just then Romney came out of his office and said, "It's repulsive to me the way the media has been handling this case. No interviews." Romney had just run for governor and been defeated six weeks before. Although he'd be out by the first of the year, he was still Attorney General, so when he told them not to comment, there was nothing they could do. Everybody in that room but Earl had worked hard on the brief, and now, Romney, in effect, had put a gag rule on.

After it was over, Stanger wasn't too surprised. A condemned man had an absolute right to appeal, but when it came to somebody else appealing for him, even a mother didn't have

to have a great deal of standing. For that matter, it was a real issue how much standing a mother was entitled to have for an adult off-spring. After all, a dominating mother, if she were given standing too easily, could come into any court and say, "Review my son's marriage," or "Don't let him get divorced." No, he wasn't surprised at the decision.

On the other hand, he wouldn't have been startled to see it go the other way either. After all, Gary's trial had never been reviewed by anybody, and American courts took great pride in due process. It was important to be able to say, "This case was thoroughly reviewed, and nothing was found wrong." Whereas, this one had never been reviewed by anybody. In fact, Utah had gotten itself into this position in the first place by having that ridiculous rule that there did not have to be a review of the death penalty. Ron knew the politics of the legislature well enough to expect that it had just been inadvertently left out. Just sloppy law making. They had passed the law in a big hurry for pure political reasons. The Attorney General, ^{VERN} Romney, had been running for governor, and the Assistant AG, Bob Hansen, had been running for Attorney General, and both rammed the Big Four through to get votes, the Big Four being Pro-Capital Punishment, Anti-Pornography, Anti-Abortion, Anti-Homosexuality. Big Four. The legislature passed all four laws in one day. Then Romney lost anyway. Only that

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death sentence law with its lack of mandatory review sure left a hole in procedure. Captain Gilmore had said, "it's my territory now."

Deseret News

No More Delays Gilmore Says

Salt Lake, Dec. 13--In an order Monday, the U.S. Supreme Court ruled that Gary Mark Gilmore had made a knowing and intelligent waiver of his rights.

On hearing the Supreme Court decision Monday, Gilmore ended a 25 day hunger strike.

Gilmore's attorney asked today that a writ of habeus corpus be dismissed, moving Gilmore one step closer to death by firing squad.

Coming into the prison, Moody and Stanger noticed that the guards in the front lobby looked happy. The mood emanating from administration that day permeated right out to the front gate. Everybody in uniform looked pleased. There was a lot of pressure lifted in the prison. Gary had gone off his hunger strike.

When Bob and Ron went in to see him, they just said casually, "We understand you came off," and he acknowledged it with a nod of his head. Then he said, "It was my decision," as if he had been the one controlling the situation. They were careful not to mention that he never did get his telephone

call to Nicole. After all, they had failed to get it through, so they were in no hurry to tease him about the hunger strike. Besides, he was in an awful good mood about the Supreme Court.

~~Actually, coming off was a great relief to the attorney. The prison had been heckling Gary something awful with the trays. Instead of just respecting his strike, they would each meal actually take a tray and shove it at him through the food slot. That would tick him off. Sometimes he'd grab ahold of the tray and throw it back out on the landing. Then he'd be put on report once again.~~

The lawyers kept trying to make one point with the guards, the officers, and the administration: why in the world do you have to shove it at him? Why in the world? The prison answer was maddening: "Well, we believe, legally, we have to offer it to him." After a while, Gary gave up on throwing the trays, but it was good there was one less problem to live with now.

When Stanger told Schiller about the end of the hunger strike, he said, "Gary proved his point." Schiller couldn't resist saying, "What point?" "Now, everybody knows he was serious," said Stanger, "about the hunger strike." It all struck Schiller as a little fuzzy. The truth, obviously,

XVIII

In the first week of December, one of the jurors who had served in the trial for Benny Bushnell's murder wrote a letter to the Provo Herald which said the Utah Supreme Court hadn't found any error so why was Gilmore's case going now to the US Supreme Court?

Judge Bullock started to think about that juror. From the tenor of his letter, the judge got the impression that several of those jury-members were beginning to wonder if they had done their job properly. Why else would there be so many appeals? Bullock thought: "I'm going to ask that jury to come back in. Maybe I'm sticking my neck out, but I want to explain the legal procedures to them."

He had his clerk contact the jurors individually. He didn't want them to feel there was pressure from Judge J. Robert Bullock himself, so the clerk merely announced that the judge, strictly unofficially, would be willing to meet with the jurors

and go over the legal questions in the Gilmore case. Every juror accepted. They all came in.

He had them in court at a time when nobody was around one evening, and put them in the jury box, and sat down in front of them, and explained the right of appeal. Judge Bullock said, it was likely this case would go on for three more years. In fact, if it was brought to conclusion within a year, that would be extraordinary. He pointed out that people had a right to go to court to fight for those legal principles in which they believed, and said the law on capital punishment had not been settled. People hadn't been executed since 1967, and so it was highly appropriate that delays would take place. But he wanted the jury to understand they had not done their part of the job incorrectly.

That was the sore spot. Judge Bullock told them that they would not ever have to be called back in this particular case. Their verdict could not be impeached under any circumstances. "I," he said, "could have made errors in telling you what the law is, but you have not made any errors. You have done your job." He could feel these words helped them, and they now felt better about it all.

He also repeated it might take two or three years, and said,

"that's the way it is, let's not fight the system," but four days after, the Supreme Court lifted the stay, and two days later, on December 15, Gilmore was back in his court for re-sentencing. Judge Bullock, like the jury, now had to start agonizing again.

He knew judges who were ready to take their own lives before they would pronounce the death sentence. He always felt Governor Edmund Brown of California, Jerry Brown's father, had been that kind of person. Judge Bullock didn't see himself as a conscientious objector, but he still didn't like capital punishment.

Before Gilmore, he had never had a capital case. He had tried all kinds of second degree, five years to life, but never first degree. It proved harder than he expected. Since it was the jury who found Gilmore guilty, he had only to express the sentence. Yet, on that day, he shook within, he agonized, he wondered if it was really true what he was saying. He hoped he had the courage to mean what he said. Outwardly, Judge Bullock thought he maintained composure and dignity. Inside, he felt considerable more emotion than he would ever have expected. Now, he'd have to sentence him once more. It would be the same sentence, but a different date. He would nonetheless have to utter the words. That tearing and churning at the pit of the stomach, that long emotional drain over a few words,

would begin again. And with all the public clamor that if the guy wanted to die, let him die right now.

No, said Bullock to himself, I will not rush it. The processes have to be followed meticulously. Those who will want to appeal are entitled to the time to go to court.

When he heard that Moody and Stanger would, on Gilmore's instructions, move for an early date of sentence next week, he did not feel disposed in their favor.

2.

Gilmore, however, looked like he was coming in with some hopes. To Schiller's eye, he didn't look nearly so frail as he had during the hunger strike. He was just two days off his fast, but he seemed a lot stronger and he was carrying himself well. Schiller only saw him for a moment in a little waiting room outside the court, but the situation had none of the gloom of that Board of Pardons Hearing when Gilmore was drenched in worry that the stay on his execution would not be lifted. Now, he was coming in to set the date. Schiller ^{figured} ~~feigned~~ that the Supreme Court decision had given Gary a tremendous injection of adrenalin. He had "intelligently waived his rights." Not everybody got called intelligent by the Supreme Court.

Schiller knew another reason for Gilmore's good mood. This was also the day Gary planned to talk to Nicole. Bob Moody, who felt sympathetic to that desire, had been working pretty concertedly to bring it off. The first time Bob ever laid eyes on Gilmore was outside this same court room when the Bushnell case was being tried. He had seen Nicole embracing Gary, and some special intensity in that last demonstration of affection, stirred Moody to say to himself, "There's one girl immensely in love."

It wasn't uncommon, when a young criminal was taken out of court--especially if he was goodlooking and had one of these macho mustaches--to see a young woman come running up to embrace him. In fact, such kisses usually went on for long periods of time. This one, however, between Gilmore and his girl, was among the longest and most passionate of embraces Bob had ever seen. It skirted the edge of decorum. Bob had to wonder a little about the nature of people who felt that strongly.

Bob might be fairly high in the Church, but he saw himself as something of a liberal. From time to time, he liked, for instance, to contemplate a few curious problems. Why, for example, was it these good-looking girls who seemed to

go for criminals? He knew the answer wasn't going to be found in his own experience. As he placed himself, he was one of those steadfast fellows whose biggest problem in life might have been whether to become a dentist, a businessman, or a lawyer. He and his wife now had five children, which made for a different sort of relation than you were going to see in a court room corridor.

~~Still,~~ the memory of that first time he laid eyes on Gilmore ~~always gave a certain flavor to what Gary said about Nicole.~~ It provided Moody with a bit of sympathy for what others might have seen as ^{Gary's} outlandish desire to reach this girl at all costs. So Moody had been going to some ends to bring it off. The first scheme of connecting two separate phone calls to his office, by a device Schiller would produce, had to be given up. It turned out that with all the marvels of modern electronics, Larry still wasn't finding such a gimmick. He was there to preserve history, not to make it.

Today, however, Moody and Stanger hoped to get Gary back to Bullock's empty chambers, and ring up the hospital on the judge's phone. Sundberg would be out with Nicole, and he could take the call and then hand the receiver over.

But when they got to court, they were put in a room

without a phone. Gary stepped into court on a full head of frustration. He was mad even before the hearing began.

Then Wootton took over. Began to argue in his style, huff-and-puff, chug, chug, chug. Every time he said the execution should not take place immediately, Bullock seemed to nod.

Gary whispered, "The judge looks like Phil Silvers."

"What? Who?" Moody whispered back.

"The judge looks like Sergeant Bilko."

There was something to it. Same horn-rimmed eyeglasses, bald top, somewhat pendulous nose, the same halfway pleasant expression. If Gary was getting contemptuous of the judge, however, it meant Gary thought he was licked.

The 30/60 statute, Wootton was saying, ought now to be measured from December 15, which would place the earliest date of execution at January 15. It was not healthy, legally speaking, Wootton said, to ram through an execution. Parties interested in appealing needed time to file. Bullock kept nodding. It was as if Wootton had succeeded in getting the death penalty, but now didn't seem to care when they carried it out. Do it real slow, seemed to be his advice now.

Gary was getting furious. When it came his turn, he

stood up and said they didn't have the guts enough to let him die. All they were doing was jacking him around. He was close to being obscene and sent a ripple through the room.

Bullock ignored the remark. How could you sentence a man to contempt when he was already bound over to death?

"Unless this is a joke or something," said Gilmore, "I expect. . ." and he went on to say that he expected his sentence to take place in the next few days. "I'm serious about wanting to end my life," said Gilmore. "The least justice can do is to recognize that."

Bullock set the date for January 17. "We're not here," said the judge, "to accommodate you. The execution is not to take place at a given time because of your wishes, but in accordance with what the law provides."

When court was done, Gilmore happened to pass Wootton in the corridor. He took the opportunity to say, "Why don't you suck my cock, you motherfucker?" Wootton didn't reply.

By afternoon, when Ron Stanger saw Gary again at the prison, it was like talking to steel. You couldn't even look into his eyes. It was worse than the pits of the hunger strike. He was as cold and hard and icy-fevered as Ron had ever seen him. It burned your eyes to look into his hate. You could see the

devil staring back. Man, Gary was triggered. Call it possessed.

On the drive back, Ron tried to make a joke of it.

"Christ," he announced to Moody, "it was like a horror film.

I could almost see his teeth getting longer."

Deseret News

Gilmore Attempts Suicide Again

Salt Lake, December 16--Convicted murderer Gary Mark Gilmore was in a coma at the University Medical Center today after another suicide attempt.

Gilmore, frustrated in his efforts for a quick execution, was in critical condition.

He entered the hospital at 10:20 a.m., after being found unconscious in his prison cell at 8:15 a.m. . . .

3.

The second time, Gilmore really tried to do it. That was Dr. Christensen's opinion. Gilmore had taken phenobarbital at a level that was 16.2 milligrams percent. Anything with phenobarb greater than 10 milligrams per cent proved fatal for more than half the people who tried it, so Gilmore was well into the lethal range.

Besides, he wasn't as obscene. One of the nurses even

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commented, "Gee, he seems a little nice this time." He certainly didn't wake up abusive. In fact, he was subdued. There was a difference. There really was.

Stanger got to the hospital as soon as he heard the news, and ran into another bizarre episode. An old friend who had shared an office with Stanger in Spanish Fork years ago when they were both ^{starting} out, an optometrist named Ken Dutson, was now dying in the same emergency room where they were working on Gary. Stanger ran into Dutson's wife and family. They were really upset. As soon as Gary had been brought in, the family felt that the hospital people stopped working on Ken. Stanger was sure there was nothing unprofessional about it, and poor Dutson had probably reached the point where they couldn't keep him alive, but you could hardly expect the family to be happy that a killer was rushed in, and all of a sudden, personnel were swarming around his case.

Later, Stanger was interviewed and took a slam or two at the prison. He was angry. It really was dinky and strange that a guy could be under that kind of close scrutiny and yet not be protected against himself. Here, they wouldn't even let his lawyers see him across the hall, but only around a corner, and through phones. So Stanger hit the system that day. He was thinking that for a guy who would like to make a fool out of prison institutions, Gary was doing pretty good.

Gilmore's recovery almost seemed crazy, it was so fast. He had been at the honest brink of death the second time, Stanger learned from the doctors, but his recovery was faster than the first time. It was as if his system had learned how to get rid of the poisons quickly. In fact, it was a joke the way they kept him only one day at the hospital and then rushed the man back to maximum security, as if they were afraid Gilmore might get loose and prowl the streets. Of course, he did look terrible. When Stanger went to see Gary at the jail, he was still so intoxicated from the phenobarbital that he couldn't even sit up on the stool. He'd just start tilting. And he slurred his words slow as molasses running uphill. While he was talking to them, he slowly keeled over until he fell right off to the floor.

"Did you hurt yourself?" asked Vern.

"I'm all right."

"You sure?"

"I'm all right even when I'm not all right," said Gary.

A couple of days later, Schiller felt he could ask the question:

WHEN YOU ATTEMPTED SUICIDE, DID YOU SEE ANYTHING OF WHAT IT IS LIKE ON THE OTHER SIDE?

I can't tell you exactly whether it was light like day-

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My spelling
with Gary
Gilmore

break or sunshine, or like a break in the darkness, but it was light. I felt I was talking to people, meeting people. That's the memory I came back with.

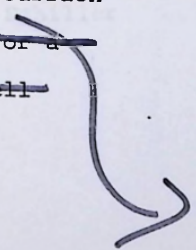
Schiller penetrated Gary's answer. Where was the next question?

WHAT IS GOING TO HAPPEN WHEN YOU MEET BUSHNELL AND JENSEN ON THE OTHER SIDE?

Who knows that I will? It could be that with death you pay all your debts. But they have their rights, just like I do, and they have privileges, like I guess I have privileges too. I wonder--do they have any more right to do something than I do now? It's an interesting question.

Schiller was beginning to wonder if he needed help with Gary. These answers were not satisfactory. If he had to keep interviewing Gilmore in this fashion, one step removed, then maybe he needed to work with another mind.

Schiller got an advance copy of New West when Barry Farrell's article about the negotiations of Boaz, Susskind, Gilmore and Schiller was printed. One paragraph, talking about Schiller, said: "The man was apparently something of a carrion bird." That didn't bother Schiller. ~~It was effective for a~~ ^{not much. And} ~~magazine writer to put in a couple of zingers, and Farrell~~



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~~and him a shot anyway after being covered on the "chammy"~~

All back. The rest of the piece ~~was~~ was brilliant, Schiller thought, ~~and~~ he liked the way Farrell described his negotiations. Schiller had tried to come out with an irreproachable set of contracts, and Farrell, sensing that, had ended up respecting him. A very good article. The line about the carrion bird was going to get picked up and used, but on balance he was ahead. He began to think of inviting Farrell to work on the questions.

At this time, Barry Golson flew out to discuss Playboy doing a Gilmore interview, and Schiller could see, the moment he looked at Golson, that the editor was arriving in town with a \$20,000 face, just what Schiller thought it was worth, plus expenses. From the start, however, it was also obvious that he and Golson were going to be abrasive on each other. Golson looked at him as a businessman, pure and simple.

"We're going to need," said Schiller, "a really good writer to edit these interviews." He mentioned Barry Farrell. Golson didn't know who Barry Farrell was. "Used to be ~~senior~~ ^{staff} ~~editor~~ ^{writer} at Life," Schiller told him. "He also wrote a book on the actress, Pat Neal." He gave Golson the credentials. Golson didn't seem to care. All he wanted was an exclusive interview with Gilmore. There would be trouble later, Schiller knew, but he tied the deal for \$23,000.

Then he had a tremendous fight with Stefanie about whether to take on Barry Farrell. Stephie was furious at carrion bird. Besides, she didn't want Larry to give the interview over to anybody. He obviously wanted to do it himself. Schiller won the discussion by convincing her he would need the credibility that only a good author would provide. In addition, the interview could really use another hand. He talked to her about the film he had ~~made~~ ^{Produced + Directed on} of Dennis Hopper called The American Dreamer. There was a three page review of it in Rolling Stone that Larry knew all too well. The critic had said the film was brilliant, but added how the ~~producer~~ ^{Director} didn't understand the other side of Hopper, and that was too bad because he would have then been able to give a deeper portrait. "Schiller went absolutely blank on Dennis Hopper's more mystical ideas." So, Larry said to Stephie, "There's a side of Gary I can miss completely. I don't know from shinola about reincarnation." ^{Karma} That convinced her. When he could convince Stephie, he could convince anyone in the world. She was beautifully sales-resistant.

So, he called Barry and asked if he would be interested. ~~Right from the start, he told Farrell this would be no pie in the sky like the Muhammad Ali project. No book involved. That was all right with Farrell. He had his own book to get back to. Schiller wanted to get it all laid out straight.~~

stet

He would, he told Barry, not reveal to Gilmore that any other interviewer was involved. That could hardly matter, since neither of them would get to see him anyway, but he did promise that ^{H2} ~~before~~ Gary ^{was to} die, Larry would tell him, but for now, Farrell's entrance would have to be shielded from Gilmore who was as paranoid as you could get about people's motives. It was hard enough for Gary to begin to believe that he, Schiller, was not up to something all the time. To tell him a new man was coming in could create chaos. Barry, however, would not be a ghost-writer to anybody, but Gilmore. They would share the by-line *in the playboy interview.*

Farrell accepted. When push came to shove, he discovered he had more curiosity about Gilmore and Schiller than he had expected.

4.

~~The second suicide attempt bothered Bob Hansen. It also got Earl worried about Gilmore's sanity. The State certainly didn't want a situation where the public would think they were executing a madman. So, Hansen and Sam Smith, and Earl Dorius had a number of talks about what kind of tests to give, and who the psychiatrist should be. There was the idea for awhile of getting Dr. Jerry West who was well known because of his~~

testimony in the Patty Hearst case. West was very opposed to capital punishment, and Hansen seemed to feel, and Stanger, when consulted, seemed to agree, that if they could get Dr. West to say that Gary was sane, that would prove the question to the public beyond any doubt. Earl, however, thought it was risky, and definitely going in for overkill. He set it as his goal to change Hansen's mind. Let the prison psychiatrist, Van Austen, give the evaluation. That would certainly satisfy the statute. On the other hand, it was possible that no matter what you did, public opinion would never be satisfied.

Hansen then got the idea that maybe they ought to hold a sanity hearing in front of Judge Bullock. After all, he had sentenced Gary in the first place. Noall Wootton was much opposed to that and Judge Bullock said, "I'm not holding any kind of hearing like that." It was, if you considered it, an insult to his court in the first place. It would suggest he and his jury had tried a man who was insane, and never had a clue. Finally Van Austen's evaluation came back. It declared Gary sane. By then they were getting toward Christmas, and since the execution wouldn't be until January 17th, things began to quiet down, for a couple of weeks, at least. Dorius would enjoy his Christmas season.

Toward Christmas,

~~About this time,~~ Schiller finally met April, a little matter

he had been trying to accomplish for some time. April, after all, had been with Gary on the night of the first murder, and Schiller couldn't understand why her name was not out in public. No newspaper articles even mentioned her. In the beginning, he'd thought that the mental hospital could be a dodge to get her off the scene, but when Kathryne Baker explained that April had a previous medical history, Schiller thought he ought to see for himself. If nothing else, he could find out whether she was in good enough condition to be interviewed.

Kathryne, however, was reluctant to take Schiller to the hospital. April might freak out if she thought he was a reporter, and Schiller only got Kathryne to agree when Phil Christensen offered to take April out for Christmas shopping while Larry would go along in the car as a friend of the lawyer's, just sitting there for the ride, and when it came to it, they even brought along one of Christensen's secretaries to help with the shopping.

While they parked at the hospital, Larry waited in the car, and then out came this nice polite little girl. He opened the door for her, and she got in the back seat, and Schiller slid in next. It was a good, bright, sunny day, not at all cold and she was wearing a skirt and blouse and little jacket, and her hair was neatly back in a pony tail. Schiller immed-

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ately noticed that she had no eye contact with anybody. He introduced himself and said, "I'm Larry"--he and Christensen had agreed that she might have heard the name Schiller on television and they wanted to avoid upsetting her--and when she said, "I'm April," he cracked a joke saying, "I know a girl by the name of Tuesday. Tuesday Weld." That got very little response. She just sat there looking prettier than he'd expected, just a little plump, teen-aged girl. She just didn't give the impression of somebody who was being kept in a mental home. Maybe on a sedative, but certainly not a heavy one.

When they discussed what shopping to do at the University Mall, April said, "I'm going to buy Sissy a present." Something in the way she said it, told Schiller that Sissy was the family nickname for Nicole. What a nickname for a girl who was getting into suicide pacts.

When Christensen gave April \$100 to buy presents for everybody, she said that was the most money she'd ever had to spend, and decided after awhile that she was going to get Sissy a Timex.

By the time they passed the Travelodge where Schiller was staying, he'd had enough of winter sunshine, mountain air, shopping centers, and jingle bells. He dropped off and told

Christensen he appreciated the lift and smiled at April, and said, "I hope to see you again. Get some nice presents." At that point, she did look in his eye and gave a nice, big smile, and he thought she was really attractive for a plump, pretty little teen-aged girl. He came away fairly confident that he'd be able to interview April. Schiller was excited. Other than Vern and Brenda, this was his first contact with somebody who had known Gilmore intimately before the murders.

Brenda went up to see Gary, ~~but they wouldn't let her in that day. Said the only ones allowed were his attorneys or her father. It was hard standing outside the prison knowing Gary was that close, and she couldn't speak to him.~~

~~A couple of days later, she finally did get in,~~ and they had some arrangement where she could see him through the glass. He was holding a phone on either side of his head so he could talk to Vern and her at the same time. It made him look like a television reporter at a political convention with a thing in his ear. But, nothing was going to bother her. Brenda just sailed in. "Gary, you dumb turd," she said, "look what you've done now. You screw everything up. If you're not going to do it right, for hell's sake, quit trying." He said, "Brenda, I tried. Honestly, I tried. They just keep finding me too soon." She said, "You shithead, why don't you use a

gun?" Then she made a face, and said, "Never mind, don't use a gun. You don't know where the trigger is."

He said, "God, I know. My hand still hurts."

Then they said goodbye the way they had the other time, touching fingers and palms on opposite sides of the glass. It would be the last time she saw him.

~~On Sunday morning, the girl from People Magazine showed up at Brenda's house with a new photographer. Little Tony let them in. Brenda had been in the shower and came out with nothing but a negligee on. Since it had a low neckline, she held up a washrag to hide the cleavage as best she could. Passing a mirror, she saw herself. Looked like a cockatoo in heat. All this while, the girl reporter, Sheryl McCall, was talking about how she wanted to do an article on Christy. Sheryl had found out Christy was going to be the recipient of Gary's pituitary.~~

Brenda said "Get out. Anything you think you've seen or heard while you're here, if you attempt to use it, I'll sue your ass." The photographer, whose name turned out to be John Telford, was shifting his weight and arranging the few cameras that were hanging off his neck. Brenda thought he was doing it so they wouldn't bang together, but she found out later that he was taking pictures. Caught every angle of that awful negligee. Later People printed her picture

check

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XIX THE PRO

1.

One of the jailers told Gibbs that Schiller got mentioned in Helter Skelter. Then Big Jake was talking about Schiller smuggling a tape recorder into Jack Ruby's hospital room ~~while~~ *For That*
~~LAST INTERVIEW~~ *LAST INTERVIEW* Gary was the man to appreciate that kind of morbid taste, Gibbs figured. Then, he read in the Salt Lake Tribune of Schiller getting into the prison by fooling the guards. The man had to be shrewd.

So Gibbs contacted Moody, and called Schiller at the New Ingot Company in Studio City, California, to explain the nature of his work and how over the years he had become a professional observ^er. He had, he said, better insight into Gary than anyone Schiller could have signed a contract with, and when Schiller said he'd be in Utah in a couple of days for a talk, Gibbs had to explain that he was still in jail, although probably getting out the following week. Then he asked Schiller not to dis-

close to Gary any of the private information he had just offered.

The meeting was arranged through a contact named Haldeman, who turned out to be a detective and looked a little like Mont Court, same big, blond fellow with glasses, almost a teddy-bear type, Schiller thought, except Haldeman seemed very tough under all the smiling teddy-bear, something about him, one tough cop. Haldeman set it up for the interview room at the Orem Police Station, just a cubby hole with a desk and a couple of chairs.

Gibbs was in there, chain smoking. Schiller's first impression was of a small, slimy, ratty jailhouse guy. Red squinty eyes. He had a receding hairline, a fu-manchu goatee, a little dingbat mustache. Bad teeth. Pale as a ghost. If you gave him a suntan, he could pass as a sleazo in a western gang. A guy who would stick a shiv right under your armpit. That's how Schiller saw him. Barry Farrell who had just come down to Utah with Schiller also came along, and Barry liked Gibbs even less. The total stamp of jail was on the man. He looked, Farrell thought, as if he had been born in Maximum.

First thing after making introductions, Schiller took out a pack of Viceroy Super Longs and handed them over.

Gary had obviously, Gibbs thought, informed Schiller of his habits. There was something, however, about the way this man and his associate, this Farrell, looked, that made Gibbs feel uncomfortable. They didn't have the appearance of rich writers and producers from Los Angeles. What with wearing old parkas and dungarees, they looked more like they had just been brought in for vagrancy. Gibbs, therefore, felt a lot of warnings even as he said hello. Right off, he asked if Schiller had disclosed their conversation to Gary. "I have to tell you," Schiller said, "I believe I made a mistake. I didn't understand that I wasn't supposed to tell him, and I did."

"You gave me your word," Gibbs said, "that you wouldn't."

"I'm sorry," said Schiller, "I got it all mixed up."

"What did Gary say?" asked Gibbs.

At this point the other fellow, Farrell, looked down and shook his head, and said, "Oh, Dick, Gary was so disappointed." On top of everything else, Gibbs hated to be called Dick. It was Richard. He looked over at Haldeman, and Ken was almost puking. He gave a signal, and Gibbs and he stepped out of the room. "That's the oldest con game in the world," said Haldeman. "Oh, Dick," said Haldeman, mimicking Farrell, "Gary was so disappointed." Then Haldeman cursed. "You should have said, 'What do I care? He's just a cold-blooded killer.'" Haldeman then told Gibbs he had to go back to Salt Lake until tomorrow.

In the meantime, if Gibbs still wanted to talk to those characters back there and make a deal, go right ahead.

Gibbs was as upset as a man could be. First of all, he was in a state of confusion, which was not his accustomed place to be. Then, this fellow Schiller was running a line on him. "Look," he was saying confidentially, "Gary has gone crazy with anger, but I think I can get him calmed down if I go back and explain that you're ready to work with us."

Gibbs didn't believe a word, but then he didn't dare not to believe him either. So when Schiller took out a Sony tape recorder, Gibbs went along. Then Schiller took a camera out of his coat pocket and asked to take a few pictures. Before they were done, Gibbs even showed how Gary would put his thumb to his nose and wiggle his fingers. It was hard, however, to settle down long enough to figure where Schiller was coming from. That guy Farrell just kept glaring at him.

When Schiller asked if he would sign a contract for his story, Gibbs asked, "How much?" He figured there could be ten grand in it, and some personal appearances perhaps. He could get on Johnny Carson, have all of America see his face, then use the proceeds to get a face-lift, ha ha. Still he did think Johnny Carson had quick wits. They'd make a good fit. There'd be a fast understanding back and forth.

Schiller, however, just glowered at him. "You are trying to sell me a story," he said, "after Gary has already given you a check for \$2000 which is the fourth largest amount given out to anyone including his mother."

"Gary gave me that money out of friendship."

Schiller looked him right in the eye and said, "When I told Gary of our conversation, he wanted to stop payment on your checks."

"I don't believe you," said Gibbs nodding his head. "Anyway it's cashed." He didn't want to say any more, but couldn't help asking, "What did Gary say when you told him?"

"Oh," said Schiller, "he was real upset."

Gibbs had just received a letter from Gary that said Powers was telling people that he, Gibbs, was an informer. Gary added that Powers was a no-good son of a bitch for trying to start rumors like that. Gibbs had figured he was home free, until this. Schiller certainly had to be the most insensitive individual in the world. Now, he said, "Gary is talking of having you killed when you get to Salt Lake tomorrow."

Stuff like that came out of a turkey's asshole. Gibbs knew better than anybody that Gary didn't have the connections in Salt Lake. Very few people did when you got down to it.

PB
Did I say that?
see
tape?
Did
Gary
say
that?

1249

The inside of Maximum was not the best place from which to run outside power-plays and pre-designed hits. Still Gibbs felt full of weak sentiments. He didn't know if it was fear, or just feeling horrible that Gary knew, but it couldn't have been worse.

"How long have you worked for the police?" asked Schiller.

"I've been twelve years undercover," said Gibbs. "This is the first time I've had to come up."

"It must scare you," said Schiller.

"Not that much," said Gibbs, "I know my job. Yesterday in court, I was up against what is probably the heaviest criminal element in the state of Utah." Gibbs puffed on the Viceroy Super Long. "When I got on that stand yesterday, they didn't say, is this guy an informer or a paid fink, they asked, is he a reliable counter-intelligence agent? If they wanted, I could have given them names of FBI agents I worked for, showed plane tickets they gave me, vouchers. They even gave me a permit to carry a pistol. Haldeman himself can tell you. That's because I've got a photographic memory. I could sit on this tape recorder for a day, and tell you everything about Gary."

"Did they place you next to Gary for any reason?" Schiller asked.

"No," Gibbs said, "he didn't know anything they needed to

know. They just put me in Maximum for my own protection. I didn't like the idea of being in the main tank. Some people I was going to testify against could have had friends passing through the jail. It's not that safe in the main tank."

"But did you feed Haldeman any stuff on Gary?" asked Barry Farrell.

"The only thing I told Haldeman is, 'Watch. If they give Gilmore the death penalty, they're going to have to execute him.'"

"What if they had asked you to spy on him?" Farrell went on.

"I don't think I would have," said Gibbs. "I liked the guy."

"Is Gary well hung?" asked Schiller.

"I don't know," Gibbs said, "I never paid no attention."

"I'm just curious," said Schiller looking carefully at him.

"I never paid no attention to it," said Gibbs.

"What are you going to do now?" asked Schiller.

"Well," said Gibbs, "Haldeman is going to go down to the Board of Pardons tomorrow, and get me released. They're going to give me new papers, a new name, and put my fingerprints on another file. That way, if I do get arrested, I won't come up in the records as Gibbs. They're also going to let me carry

a pistol, but the fact of the matter is I've got to make a run for my life. I have a target on my back." The hand holding the Viceroy Super Long didn't shake too much, but he said, "Okay, I'll tell you. In twelve years of working under, I've never had the fear like I've got it right now. Yesterday, they had to clear the courthouse for me better than they did for Gilmore. That's how worried Haldeman was."

Farrell snorted. "Would you say Haldeman is a good friend?"

"He's people," said Gibbs. "I would say he is nobody to fool with." He giggled. "Ken liked to say he's a bad shot. One time he tried to hit a friend of mine in the leg, but he missed and hit him between the eyes. Now he wants to be on the firing squad for Gilmore." He giggled again.

"What are we wasting our time with this snitch for?" Farrell asked Schiller. "I don't even like to be in the same room with him." He got up abruptly and walked out.

Haldeman happened to be in the corridor. Farrell buttonholed him, and said, "Gibbs told that story how you hit the fellow between the eyes."

It caught Haldeman by surprise. "Well," he said, "Ha, ha," he said, as if trying to get started.

Barry said, "When it comes to Gary, you must not miss."

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Gilmore's eyes, and his kidneys, his liver, and every other valuable organ he possesses are going to go to people who need them. So if you happen to get on the firing squad, don't damage any organs." Haldeman looked at him like he didn't know if Farrell was a lunatic or a judge.

When it came to paying money for a release, Schiller was being pretty tight-fisted, Gibbs decided. He had been telling things about himself and Gary for samples, giving away too much of it, really, and Schiller was just offering a paltry couple of hundred dollars. "Why, Gilmore has told me things he hasn't told anyone else alive," Gibbs said.

"I've always been able to get next to anyone I wanted."

"Gary is giving us everything," Schiller said.

That had to be more turkey product, Gibbs told himself. Nonetheless, he was feeling so nervous and out of tune, that just to get himself humming right again, he ended by giving Schiller a list of the places he had worked for the last ten years. What the hell, Schiller could get it anyway from yesterday's court transcript.

Gibbs had worked for the Salt Lake City Police Department; Salt Lake County Sheriff's Office; FBI; Treasury Department; Bureau of Alcohol, Tobacco and Firearms; Regent Eight Task

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Force; and the University of Utah Police Department, Narcotics Division. "I've been a crook and I've worked for law enforcement," Gibbs said, "and either one by itself is not enough."

2.

Coming back to the motel room after Gibbs, Larry was beginning to feel a cumulative fatigue. Stephanie was still pissed at the way they never did have a real Thanksgiving, and so he now decided to take a trip to Hawaii for Christmas week and visit his brother. ~~at simply see his brother.~~

Barry could take up the slack. ~~So Larry told Moody and Stanger~~ that he wanted a rest before the big push coming in January through the last seventeen days, and Stanger said, "If you're going to Hawaii, where are our airplane tickets?" "What do you mean," asked Schiller. "Look," said Stanger, "you're making all this money and taking a vacation. It's time for us to grab a vacation as well." He was kidding, but it was rough kidding, as close to the line as you could get. Schiller blew. "This is no expense account scam. I'm simply going to Hawaii. If you want to go, pay for it." ~~the audacity of~~ Stanger hinting at airplane tickets. Ever since he chewed Stanger up and down for neglecting to get the letters and the ~~trial transcripts, relations had been touchy.~~

Stet

All this while, Schiller had also been having his troubles

with Time. They were willing to give proper space to Gilmore, but at the last minute, they were definitely having second thoughts about paying \$25,000. They listened to a couple of tapes and still wanted to do it, but didn't want to pay. They would give him four big pages inside the magazine plus the cover, but no money. A policy decision had been made in the last week to stop checkbook journalism. It was all fashion. In another month or two, they would reverse themselves, but now it tied Schiller up. *Scott Merwin kept pushing* ~~the~~ the National Enquirer. *Leave* ~~him~~ had to arrange to sell those letters overseas.

The only people Schiller knew he could trust were Stephanie, his mother, and Stephanie's mother. He decided after the vacation in Hawaii, he would fly all three to Europe to do the job.

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XX MAXIMUM

1.

Toward Christmas, Moody and Stanger would go out to the prison every morning and then again every afternoon or evening. It got to the point where it not only took up their working day, but just about all of their practice. They'd already had to assign the rest of their clients' cases to other people in their offices.

By this time, Moody felt he had become friends with Gil more and he usually found it enjoyable to talk to him. Sometimes Bob actually found himself admiring Gary. For instance, it got to him how crazy Gary was about that little girl Amber Jim Hunt who was a boxer and he noticed Gary sent her money and sponsored her. But then Gary was always sending letters to children. Both his own and Ron's kids had received nice messages with drawings in the margin. Once Gary showed him a letter from Amber Jim, and Moody couldn't get over the contents somehow.

~~thousand people a year, and a lot of those killings are just plain executions with one-man firing squads.~~

With all his quirks, Moody got to respect him. As the questioning and interviewing went on over the last couple of weeks of December, and Gary got in shape again from his second suicide attempt, he seemed to be feeling a moral responsibility to do a good job in giving his answers. Moody didn't know whether it was some desire to cleanse himself, or give his life story or what was more likely the case, just simple responsibility to give Moody and Stanger enough material so his life story could be done, but it was as if he wanted the contractual obligation filled. Maybe he desired their good opinion. Bob didn't know, but Gary honored that contract.

So, it came to the point where both lawyers liked Gary enough and got mad enough at the prison that they finally didn't give a damn whether they were going to be embarrassed before their colleagues, their friends or the Bar Association. They just marched in with their tape recorders and their attache cases, and they didn't care. To hell with it. Somehow, the guards at the prison must have sensed it, for they were no longer hassled. It wasn't a bad period.

stet

Clint

(the chaplain)

The way Campbell saw it, the warden was always saying in

effect to Gilmore, "All right, maybe you are a little special and we will treat you a little special, but there are limits. If you push the limits, we will take away the special things." Gary would push, and the warden would pull back. If Gary had been a regular inmate, there would have been no contest, but Campbell had to admire Gary's skill at maneuver. Most inmates had to be in a given prison for a long while, and then belong to the convict hierarchy before they could manipulate the system. For someone like Gary who had been in Utah State for only a short while, it was phenomenal. He acted as if he'd been there for ten years and knew every corner of the prison.

On the other hand, Gilmore was a stickler for convict logic. During his fast, he did allow himself coffee, and he put sugar in it. Word came back to him that some inmates said he was cheating, so he did away with the sugar.

Now, after the suicide attempt, Campbell said to Gilmore, "Look, if you want to talk about the firing squad, I'll be your sounding board." Gilmore said, "Aw, hell, we don't want to talk about that. We're just going to shoot this old half-drunk thief, you know." They would joke about it.

After the first suicide attempt, Campbell had kept arguing with him about the need to prove what he wanted to do through the law. Gary had kept saying he couldn't care less. Finally,

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after the second attempt, he said, "Okay, if it looks like there's going to be something done about me on schedule, I promise I won't commit suicide."

Campbell thought, however, that Gary had begun to change in other ways. It was as if he decided to enjoy his last thirty days. He certainly got a boot out of kicking the hind end of every authority in prison. Since the prison got tough ~~on him~~ in retaliation, and had ~~him~~ ^{Gary} often in a stripped cell, Campbell made it a point to see ~~him~~ ^{Gary} just about every day he was in the building which, at maximum, was every other day. Each time ~~he~~ ^{Campbell} walked in, there were stacks of mail. Campbell made a count one time and figured out that Gary might end up getting something like 10,000 letters. Gilmore would merely look at them and say, "Help yourself," and hand Campbell a stack to read.

Once in a while, Gilmore would ask him what the other prisoners were thinking, but Cline did not tell him that more than a few were getting tired of him. Campbell had run into a lot of sentiment among the convicts that everything Gilmore did to get attention, affected the affairs and well-being of the other prisoners in maximum. What with needing three guards for Gilmore, it was even affecting the classroom schedule. Chow got delayed not once, but several times.

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Then, whenever anything big happened, like a suicide attempt, the place got locked up. The convicts were tired of all that.

On the other hand, they never said Gary was crazy. He'd been in prison 18 years, and everybody empathized with that.

Now that Gary was the only one on death watch, that is not only on death row, but with a date to be executed, he had a whole section to himself. He lived in three cells adjoining each other on a corridor. A suite. His cell had solid walls on three sides and regular cellbars on the door, and they allowed him access to the corridor where there was always a guard. ~~Sometimes, Father Meersman would go to visit him in the late hours of the night after Gary had seen his relatives and his lawyers, and Gilmore would come out and bring a stool or something to sit on, or sometimes just sit on the floor, his back against part of the bars and most of the time, Meersman would sit on a chair out in the main corridor, and they would converse through the bars under the electric light. Everything was painted in kind of a light, pastel green.~~

When Gary would be brought out to visit his lawyer or his uncle, they would take him down the long main corridor from which the shorter corridors led off at right angles to the various one-story cell-blocks in maximum, all the way

down the hall to the individual cells that faced on the visiting room, and at such times, no other inmate was allowed in the main corridor. A precaution against escape. As Gary walked along, and passed the barred gates that led to the other sections off the main corridor, the prisoners could see him coming down the corridor by the aid of little mirrors they held in their hands, and they would call out and say, "Hey, Gary," or "Hang in there."

"Stay with it," they would yell.

1261

XXI CHRISTMAS WEEK

1.

On the morning of Wednesday, December 22nd, Ken Haldeman appeared before the Board of Pardons. He testified that Richard Gibbs had been a witness for the State of Utah in two felony trials, one in Provo against Jim Ross, the other in Richfield, Utah, against Ted Burr. Gibbs' work had helped to break and convict the largest theft ring ever uncovered in the State of Utah, a million dollar a year operation, stated Haldeman. It had dealt in stolen recreational vehicles, boats, camper trailers, horse-trailers, and trucks.

Ken came down to get Gibbs out of Orem Jail around ten that morning and the two men left for Salt Lake where they went to the University of Utah Police Department. There, Gibbs acquired an ID with his color photo over the name of Lance La Baron. Then, he went to Ken's office and picked up \$400 that the Salt Lake Police Department was paying him, and from

there to ~~the~~ ^{the} bank, where he withdrew the balance of ~~the~~ ^{Gary's} \$2,000 gift. "Gary Gilmore's sixth sense about good convicts," thought Gibbs, "has served him wrong in regards to me."

By then it was late afternoon and Gibbs spent the night at Ken's house. He had been working with Haldeman for ten years, and they had used the cover story that Alice, Ken's wife, was Gibbs' sister. That had accounted occasionally for why he had been seen with the cop. Now, there was too much heat to get away with the story any more. So, next morning, Gibbs went and got license plates for the car he had bought from Alice, a blue and white 1970 big 98 Olds, and then, following Ken's suggestion, went to a barber shop and got his hair cut down and styled differently and had his mustache and goatee removed. He went and put his new plates on the car and then took off for Helena, Montana with the idea that he might even go to Canada.

2.

It was about noon when Gibbs left Salt Lake, and he stopped at Pocatello, around four, filled up with gas, and drove on to Idaho Falls where he stopped at the Ponderosa Motel. Downtown, he picked up a girl in a bar and got laid. No big deal. On the other hand, it didn't cost nothing.

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In the morning, he went over to see his grandmother and aunt who lived in Idaho Falls, and were 89 and 65 respectively. His grandma was going to turn 90 on January 17, Gary's new execution date, which made him think of "psychic powers, Geebs," and he wondered how much Gary was hating him now. A bad thought. He spent a couple of hours with these ladies, and left a 50 dollar bill for their Christmas, then he stopped and ate, drove for a few more hours, got the car greased, the oil changed, antifreeze checked, new filter and had the tires rotated. It took an hour, and while he was waiting, he had a few drinks. Then he headed out, hoping to get to Helena, Montana that same night.

About fifteen miles north of Butte, Gibbs was heading up a winding mountain road in the dark when a logging truck came down too fast around a turn and cut over onto his side of the road. Huge headlights on him. Gibbs had a quick choice: the truck or the ditch. He went to the right and hit a concrete embuttment in the gully.

When he came to, his head was bleeding and his false teeth were broken. The side of his face was screaming with pain. He managed to get the car door open, but as he went to step out, he fell face down in the snow. No way could he put any pressure on his left leg, so he crawled up to the edge of

the highway. The first car that went by and saw him lying on the side of the road just kept going. A few minutes later, a pickup stopped. Two men helped him in, and went up the highway to the bar and cafe called The Elk Pack. There, they called the highway patrol, and the bartender gave him a wet towel to wipe the blood off his forehead, and Gibbs sat on a barstool so his leg could hang down without pressure while he had three straight shots of whiskey to ease the pain.

When the ambulance came, they put an air bag around his leg, inflated it, put him on a stretcher, and started down the road, but had to stop because a wrecker was blocking the highway while pulling his car out of the gully. Gibbs raised his head long enough to ask if they could get the luggage from his trunk before the car was towed, and the highway patrol officer said he would. With it all, Gibbs noticed that his headlights were still on.

~~At~~
~~Then they took him to~~ the hospital where the doctor stitched up his scalp, and split his pants to x-ray Gibbs' knee, leg, ankle and foot. It turned out that his leg was shattered and his jaw was fractured. The doctor also said the tendons were torn in the calf and ankle, that the leg would probably have to be amputated. It was certainly swollen to twice its size. His foot was completely black. The rest

of the limb was purple. Immediately, Gibbs said, "My leg ain't going to be taken off. Just give me a shot for pain, and I'll leave."

A
~~The highway patrolman then asked him for identification,~~
~~and Gibbs said it was on the inside pocket of his leather~~
~~coat. The cop proceeded to write two tickets, one for travel-~~
~~ling too fast under existing conditions, and one for no driver's~~
~~license in Gibbs' possession. They hadn't had the fake one~~
~~ready yet in Salt Lake when he left. So the cop said it would~~
~~be \$20 bail on one, and \$15 on the other. Cash. Gibbs signed~~
~~the tickets, paid over the \$35, and asked to be taken to one~~
~~of the nicer motels. The cop agreed, got him out to his~~
~~patrol car in a wheelchair, and dropped him off at the Mile~~
~~High Motel. It was about midnight. They had to wake the lady~~
~~who ran the place, then help him inside to register, next~~
~~bring him to Room 3 with his luggage. Gibbs thanked the cop~~
~~as he left. The shot that doctor had given, was beginning to~~
~~take effect, and his pain eased, and Gibbs went off to sleep.~~

Gibbs
 When ~~he~~ **Gibbs** awoke the next morning, Christmas Day, his leg was killing him, **but he waited**

~~He called the Owl Cab Company in Butte and asked the lady~~
~~dispatcher if a cab could pick him up some cigarettes, a bag~~
~~of ice, a six pack of coke and a fifth of Canadian Club. Once~~

11/6/1

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~~the booze arrived, Gibbs managed to get out of bed by holding onto the back of a chair, hopped to the bathroom, looked in the mirror at the stitches and his black eye, then got back into bed and fixed a good stiff drink. It did nothing for the pain, so he fixed several more. That was helping a little but not much. It was like taking whiskey for a real head-throbbing toothache.~~

~~until the evening, he could stand it no longer, and called the motel lady and asked if her husband would take him to the hospital. She wasn't married, but she had two friends who had eaten Christmas dinner with her, and these gentlemen came to his room and took him to the St. James Catholic Hospital, after Gibbs had asked to be brought to the best doctor in town. There it was. The doctor ^{to go to a} was Best. Dr. Robert Best. One of Evel Kneivel's own personal doctors, particularly since Evel Kneivel lived in Butte.~~

~~Well, Best wanted to admit him to the hospital, but Gibbs again said no. Instead, he left with a prescription for codeine against the pain and one for Oral Varidase to break up the blood clots. "You better hope," said ^{the doctor} Dr. Best, "that phlebitis doesn't set in." That was Gibbs' Christmas day.~~

3.

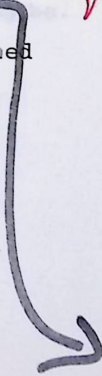
DEAR GARY

EACH MINUTE BRINGS US CLOSER TOGETHER AND I KNOW THAT WE WERE RIGHT TO EMBARK ON THIS CHALLENGE STOP I AM THOROUGHLY CONVINCED THAT AS I GO DEEPER THE MEANING OF YOUR LIFE BECOMES MORE CLEAR STOP IT IS AN ADVENTURE FOR ME AND THAT ADVENTURE CAN NEVER BE REPAID UNTIL I COME UPON THE GREATEST ADVENTURE STOP I WISH YOU A MERRY HOLIDAY AND I LOOK FORWARD TO SEEING YOU.

LARRY

Before he left for Hawaii, Schiller got together a force of typists in Los Angeles to go through Gary Gilmore's handwritten letters and type them up, a huge job. It would cost a couple of thousand. 1500 pages of manuscript had to be typed. Still there was no way to sell the stuff overseas, if the letters had to be read in long hand, not when foreign editors couldn't even read typed English without lighting a cigarette.

Then, ~~not an hour in front of plane time, there was a phone call from Bill Moyers who was starting a TV show called CBS Reports and wanted to do something on Gilmore. Moyers was ready to fly out to Provo for an interview with Larry.~~



fel

~~When he heard that Schiller was on his way to Hawaii, Moyers said, "We'll go out and interview you there." Schiller said, "Come on, Mr. Moyers, I am not going to be photographed, lying on the beach, doing checkbook journalism with my bare belly out to the sun. That's neither the way I see myself, nor the way I intend to present myself." Moyers began to chuckle. He said, "You're sharp, aren't you?"~~

Schiller found out that the show was tentatively scheduled to come out just before Gary's execution. He told Moyers he would be happy to get together with him in Provo after New Years and would then cooperate with him considerably, provided certain things were understood. It was a productive conversation. As Schiller saw it, a great deal had been accomplished since Moyers now recognized that both men knew the name of the game.

On the other hand, he did not feel comfortable leaving Barry Farrell in charge of the operation. Barry had wit, Barry had class, Schiller admired him greatly, but he just didn't know if Farrell was good at anticipation. In one ~~way, things could travel a long distance down the wrong tube.~~ So, full of misgivings, Schiller left for the Islands.

Half the value of the vacation was quickly blown.

The lawyers for Colleen Jensen had filed suit against Gary Gilmore and his estate. Now, while Schiller was out in Hawaii, trying to go belly-up to the sun, damn if Colleen Jensen's lawyers didn't go to court and get an order that Gary had to give a deposition. When Schiller found out about it, he hit the fucking ceiling. He was on the phone that fast. He said to Moody, "Did you agree? You didn't fight it? What do you mean you didn't? He did not enjoy shrieking at Moody because it was highly nonproductive. Moody was too stubborn for that. Yet he couldn't help himself. Schiller was climbing the walls and bouncing.

"What are you upset about?" asked Bob Moody. "What's the big thing about a deposition?"

Schiller almost said, "Are you out of your ~~mind~~ *mind?*" He did tell him, "Don't you understand the Enquirer *is The Star* can make a goddamned deal with those lawyers, and go in for three hours, and pick up Gary's whole life story? Even if they can't get any of their own reporters on the team, they can coach one of the lawyers to pump Gary." It was awful. They had a right to start the deposition with where-were-you-born, then go into Gilmore's criminal record. "The whole story," shrieked Schiller, "can be pulled out in one session."

Moody said, "We can't stop it."

"Bullshit," said Schiller. "I want you to go right into court. If you can't stop the deposition, at least file a motion that it's got to be put in bond." He smacked his

fist against the night table, feeling a whole kinship with the notion of bond. "The tapes from that deposition," he said, "have got to be sealed right in the fucking jail, and the court has to give an order that they're not to be transcribed for so many months, blah blah, you understand what I mean, et cetera." No wonder, thought Schiller to himself, that there were lawyers and there were Jewish lawyers. Stephanie was ready to kill him. Here it was supposed to be a vacation, and he was in the hotel room, talking to allegedly sound legal brains who were acting like confirmed dummies. "Is this what it's going to be like when we get married," she cried out. Schiller waved her off. Through the phone, he was virtually writing out the motion to bring into the court. What a relief when he learned a couple of days later that the judge agreed to seal the stuff in wax, literally, until March.

There, in the balmy air of Hawaii, Schiller began to breathe. The Enquirer could still try to get those lawyers for Colleen Jensen to take notes, but he didn't worry about that. Since now there was a court order invoking secrecy, and so a lawyer could be disbarred for making such a deal. Besides, no local Mormon was going to fight a judge's order. It had been close. A possible catastrophe had been averted.

Yet when the lawyers went in next day to take the deposition, they had to wait in the prison for six hours, and Gary

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never showed. It seemed his food had come on a paper plate that day, and he threw a tantrum, and refused to leave his cell. That turned out to be double insurance.

From Hawaii, Schiller was making phone calls all over the world. He was setting up the approach to the sale of the letters in such a way they couldn't be traced back to him. This all involved dealing with the right editor. It was only every few years, at times like the present when he had a particularly big offering, that he contacted the big foreign magazines. So he knew they wouldn't cross him. He wasn't obliged to be on the phone with them tomorrow making still another deal. He was not the agent who had ten deals moving along at once with the same people. "All right, I'll give you this one if you give me that." Under those conditions, each side could afford to doublecross the other from time to time. Ten mild doublecrosses, say, in a hundred deals. No, there would be none of that kind of marketing for Schiller. He did custom work, custom jobs. Editors were hardly going to trick him. They'd never have another opportunity to bid on his work.

He hired secretaries in Hawaii to type the sales contracts. That way, anyone on his travelling team, either his mother, ^{X12,} Stephe, or Stephe's mother, would only have to fill in the

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amount and the name of the country and publisher. Since he was doing all the preparatory work on the phone, he could present the stuff in packages. Package #1 would offer the magazine editor a sample contract and exhibit five Gilmore letters. The editor would only be allowed to read them while one of Schiller's people was in the room to make sure no quotes were lifted. If the editor liked what he saw, he could then open Package #2 which contained the complete set of letters, and was a large package. He would then be reading, given so many hours to make a decision. Nobody on any paper or magazine in Europe except for the solitary editor in on the secret, would have the remotest idea of who those three women might be.

4.

Deseret News

No Move for Nicole

Provo, Christmas Day--Nicole Barrett has been ordered committed indefinitely to the Utah State Hospital in Provo.

Fourth District Judge David Sam, in a competency hearing, ruled that Mrs. Barrett 20, the mother of two young children, should stay in the mental hospital. . .

Meanwhile, a turkey dinner with all the trimmings was the highlight of Christmas Day at Utah State Prison where Gilmore is in isolation for disciplinary reasons.

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1273

Gilmore was not allowed to receive any presents and today was a non-visiting day, so he had no visitors a prison spokesman said.

Dec. 23

Oh Gary i love You So

i miss you! God how i miss you. More than the sky and the earth. More than my freedom and more than my children. . .

The lawyers gave me a letter from you today. But these scuzzy sheep herdin Aids took it before i got to read it. The Punks shake me down even when i visit with my mother an Kids. Fuckin Looneys. Kiss a tear into your soul & Love me. As i Love you. Oh Baby i wanted so bad to read your lovin' words.

Babe, what is to become of us? i am committed now for 30 days and all because these idiots think it would be "bad" for me to see or talk to you if you are shot on the 17. God, what is happening? i need to see you. How could they let you die so alone, my love? i want so bad just to look into your eyes once again.

God ain't it crazy? Aint it so fuckin crazy.

i'm furious with the ways an wiles of Love Life and the Ultimate Wisdom, furious with God. And furious with myself for not being patient and doing things right the first time with jack an jill.

Love to have that pretty white bird sitting here on my night stand. You remembered that i spoke or wrote to you once

of my childhood daydream of being through with this senseless
life and being born once again but if the choice be mine it
was to be born into the wings of a small white bird. And still :
would i choose the same if i could.

Gary Gary how long will it be?

i Love You

Usually the Damicos would have a big Christmas party with the three families together, one year at Brenda's house, next year at Tony's, then Ida's. This year, being no joy for it, they all got together at Tony's to exchange gifts, said a prayer for Gary with the family together, had a cup of coffee, then went back to their separate places.

Sterling Baker's wife, Ruthann, wrote a letter.

Dear Gary,

I was thinking about you and how you are going to be
alone on Xmas. I really love you a lot. I wish I could be up there with you. I hope
in the next world we can meet, and be able to know each other
well. But please don't try to hurry it. I don't want you
to die.

Mikal came over to the trailer on Christmas day but Bessie's mind was on other times. She remembered a Christmas when Mikal was young and Gary was not in reform school that

year, and seemed to take joy in watching Mikal unwrapping his gifts. She had tended to spoil Mikal in those days. It had taken her half the night to wrap his presents, but in the morning Mikal kept saying, "This is an awful day. I've got so many things I don't want." Gary kept laughing.

Gaylen, on the other hand, came home one afternoon that year just before the holidays and said one of the Sisters at Catholic school had told the children there was no Santa Claus. He was very upset. Bessie said to him, "Gaylen, there's only the spirit of giving. That exists. You've had the good heart to believe in Santa Claus longer than anybody else." Whereas Mikal, the psychologist, never let on when he stopped believing. It was as if he figured that as long as his parents thought he believed in Santa Claus, he would get the goodies.

Then her line of thought came back to Mikal's face, looking at her now in the vigil of the trailer. Those days all thoughts came right back to this trailer. Her heart turned over, as if a great wheel had revolved, and a tear drop, pure as sorrow itself, washed from her eye.

TRANSCRIPT DECEMBER 25

GILMORE: What is Christmas? These holidays in jail are a bummer. You don't get any mail. The routine is disrupted, the day just seems slower. They act like they're really doing something by giving

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you a big meal, but it ain't like the menu in the paper. You don't get it good, you know. I don't like weekends in jail, but holidays I hate.

Christmas Eve

Dec. 24

Long days waiting

For your Love again

Long nights restless

Scattered thots

Wondering what's become
Of all our chances.

Dec. 25

it is not really a fear jest such a great sadness to
think of the uncertainty of days ahead. Even these thirty
days--today look like years

And i want you so badly everyday.

Nicole

5.

Shirley Pedler, who was the Executive Director of the ACLU in Utah, had gotten her job right after getting out of college. She applied for the post, and there she was, Executive Director. There was a general membership of a few hundred people. The funds to keep the office going came from membership dues, and a modest grant from the national office. Five or six

1277

Salt Lake attorneys volunteered their time, and twenty might help once a year. It was small stuff and, right now, beleaguered. In Utah, belonging to the ACLU was as good as being a Bolshevik.

Shirley Pedler received a lot of hate-mail and crank phone calls once the ACLU got into the Gilmore case. For more than a month they had been calling her at work and at home, all day and all night, and she knew it would continue until Gilmore was dead. She was living by herself, and sometimes after a long day of news conferences, she would go home and the phone would be ringing. "Something bad's going to happen to you," a voice would intone. "I hope you get shot with Gilmore," the next call would tell her. "You people are a bunch of Communists," a woman would say. Sometimes the male callers were obscene. One remarked that since she was good-looking and single, he was ready to do this and that to her.

They usually hung up quickly. By now, these days, she was tending to flash kind of quickly. She would tell her callers off. She had never been well-insulated, but with the loss of sleep and the loss of weight and the constant play of adrenalin, she had nightmares about Mr. Gilmore. They involved the execution. A man would kick the platform

1278

out from under him and as Gilmore hung in the air, they would release gas pellets. Some of the dreams were more grisly.

She had been raised in the Church, but she was no longer a practicing Mormon. Still, those callers were like people she had grown up with, and they were calling her. She didn't feel betrayed so much as unable to believe what was going on with Gilmore. "The injustice of this is so apparent," she would say to herself. When she went to the Board of Pardons hearing, she thought Chairman Latimer was being totally inconsistent. "This is insane. Why is there no public outcry?" she wanted to know. "Am I the only person who sees this?"

Latimer had started off by saying that the Board of Pardons was not there to talk about the constitutionality of the Utah death penalty statute. Then he had a member of the Board of Pardons testify that the statute was constitutional. He shut Craig Snyder up. It was a travesty, and in the middle was Gilmore, a terribly pale and quite attractive young man, Shirley Pedler thought. His fasting made him look ghastly, but unforgettable. He was so pale.

Afterward, she became personally self-conscious about the fact that this man Gilmore's life was in very uncertain circumstances. Due to the maneuverings going on, he did not know

his fate from day to day, and yet she was part of those maneuverings.

So she wrote a letter to Gilmore. She told him that she regretted the discomfort that the participation of the ACLU was causing him and the terrible uncertainty. She wished she had the opportunity to talk to him directly, and explain why the ACLU was doing what they were doing. She wanted to convey her awareness that she knew his life was being made more difficult by her. She wanted to try to tell him why she thought it had to be done. She wanted the opportunity to speak to him. She wished they could cooperate, instead of finding themselves on different sides.

She was thinking that if she could talk to Gary Gilmore, she would let him know that she was not personally out of sympathy with his wish to commit suicide. She could see how confronting life at Utah State Prison might warrant taking one's own life, and he had a right to decide whether he was going to live or die. But she did feel the state had no right to participate in that. Capital punishment was not only wrong, but his execution would touch off other executions. Once the act was done, it would de-mystify the taking of future life by the state. The horror of people lining up to blow somebody away was in the lack of passion, the methodical, calculated

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turning of the machinery of the state against the individual.
Why come to terms with it? That was what she wanted to tell
him.

TRANSCRIPT DECEMBER 25

GILMORE: Shirley Pedler wrote me a personal letter
and she sent me some bull shit. What does she
look like anyway?

STANGER: Who is she?

GILMORE: Shirley Pedler. She's the head of the Utah
Affiliate of the ACLU.

STANGER: She's a slight, young woman, looks like she's
about 30, not bad lookin'. I've never seen her in
person. I've only seen her on T.V. She wears a
suit with pants.

GILMORE: I don't know what we can do to make the ACLU
butt out. The Supreme Court said they're not gonna
rehear it. What else can they do? Go to the United
Nations? . . .

Shirley Pedler had Christmas dinner at her parents'
house. Her parents were pretty conservative people, and her
father worked in corrections, but they never, until this day,
had a knock-down drag-out about capital punishment. This day,
however, her brother started to attack her on the ACLU position,
and Shirley had to defend her position. Her brother kept saying,
"What about the victims and the families?"

It escalated. Shirley had been going in a different
direction from her family anyway, but it did ruin the dinner

and she felt bad about it. None of them were able to get really comfortable after that.

GILMORE: Would you like to hear a poem?

STANGER: Sure.

GILMORE: This I wrote. I'll give you a little preamble to it. You know prisons are noisy places. And I talked about that guard blowing his nose for five minutes. And this morning he carried on a two-hour conversation, and I finally asked him to shut up. This poem is in the book that I wrote for Nicole. This is the preamble: I get irritable at the noise I have to listen to, toilets flushing, water pipes jarring, stupid conversations, screened conversation - Now here's the poem:
Dark thots of mayhem on a cold steel nite,
when the little noises won't let you sleep.
Dark thoughts of mayhem, murder and gore.
A bore. Too few dark debts are ever paid.
A fool down the way laughs at the loss of day,
another sighs and another cries
at the lies of their lives.
Dark thots of mayhem murder and gore,
too few dark debts are ever paid
More owed."

I wrote that poem in '74 listening to noise I didn't want to hear. I like it quiet. I would love an absence of sound so profound I could hear my blood. I guess that's one of the things I've always hated worst about prison, the noise, listening to mother fuckers barf and cough, and listening to frustration. On the seventeenth of January I hope to hear my last harsh noise.

STANGER: Hum, it's a good poem.

Back in the motel, Gibbs was eating codein like candy, careful to take the Oral Varidase only as prescribed. Day after Christmas he called his mother in Utah, and she told him

to keep his leg elevated and put a heating pad on it. She'd been a registered nurse for 35 years. She also told him to be careful while he was shaving. With the Oral Varidase, if he was even to nick himself, he might not be able to get the bleeding to stop.

Gibbs also called Haldeman in Salt Lake. Naturally, Ken's first words were, "If it wasn't you, Gibbs, I wouldn't believe it." Then he said, "Know anybody can get in more jams?" That's all Gibbs needed to cheer himself up.

~~He phoned Owl Taxi for cigarettes, whiskey, cokes, ice and some canned tomato and mushroom soup, which he figured to use on the little courtesy coffee-pot heater in the room. If he didn't get his upper plate fixed, he would have to live on soup. Then he called the highway patrol to see who had brought his car in, found it was Milo's Towing, and asked the kid who'd done the job to look in the front seat or on the floor for the other half of his teeth. An hour or so later, the kid came to the room with the missing piece. Since the car was totalled, he wondered if Gibbs would consider selling the engine. The boy could pay around \$25 a month. Had just gotten married and didn't have much money. Gibbs said, "Take it from me as a late wedding present."~~

Gibbs didn't know it, but for two weeks he wasn't going to

leave that room. The doctor came by to check his leg, refill his prescription, and remove the stitches from his forehead. Then, after a couple days, ~~of tomato and mushroom soup~~, Gibbs asked the lady who ran the motel if she knew of a restaurant that offered take-home food. Right off hand, she didn't, but asked him what he would like. When he said soft boiled eggs, toast and milk, she brought it to his room and he paid her five dollars. She told him two would be sufficient, but he insisted on five. She was one of the nicest people he ever met in his thirty-one years of life.

The following day he called a florist shop in Butte and asked the lady to have flowers delivered. Then he asked the woman to write on the card, "To the nicest lady in the world" and please sign it Lance LaBaron. He explained he did not know the lady's name, but sure did know how well she had treated him. The lady at the florist shop not only agreed on how nice she was but said she was a friend, and her name was Irene Snell, and the flowers were delivered an hour or so later.

From then on, every night, Mrs. Snell brought his meals. After he got his teeth fixed, she would tell him what she herself was having for dinner. He ended up eating everything from spaghetti to steaks and always had to argue with her on the price.

Slowly but surely, his money was going down, but Gibbs didn't think about it. He had never been able to manage money anyway. He was spending anywhere from \$25 to \$60 a day in long distance phone calls, but made a point to pay the motel bill each day. It was hard not to feel sorry for himself. Each night he'd get drunk, and then he'd want to cry on someone's shoulder, but that was hell at long distance. One old girlfriend he almost asked to fly up to stay with him, but decided he wouldn't. Then he called another old girlfriend and almost did the same thing. But he couldn't think of a girl who might not disclose to the wrong people where he was and, worse, what condition he was in. Thinking to be cautious, he told everybody he was lying in bed with a nine millimeter Brown-ing automatic right next to him, and thirteen good reasons in the clip why nobody better come through his door, unless invited. When he mentioned this to Haldeman, Ken said, "For somebody who's trying to hide, you sure talk your butt off. Everybody in the world knows where you're at by now." Even the operators in Butte started calling him on a first name basis. As soon as he'd say Salt Lake, they would answer, "How are you, Mr. La Baron? It's Room 3 at the Mile High, is it not?" He had left Utah with \$1,370 and was now down to \$500.

Lying in bed, he would sometimes go out of his head just

a little and imagine what it would be like when he went to the execution on Gary's invitation. Would he get to go up and talk to him in person? If they let him, he would say, "Remember how you once told me you never misjudged a person who has done time? Well, let me tell you what I do for a living." Then he would ponder whether he really would say it to Gilmore, ~~assuming in his mind, somehow, that Schiller had never told him, which, of course, Schiller had~~ "Gary," he would say, looking him in the eye, "you have met your match. I am the one person who has been able to fool, deceive and turn the tables on you, Gary Gilmore." Then it would all come down on him again, his pain, his situation and his fucking life, and he would say to himself, "Gary, that ain't the speech I'd make. I would say 'Goddamn you, you got more guts than any son of a bitch I ever knew. I just wish I had as many balls as you do. Hell, fellow, a man knows a man whenever they meet,'" and he would blink back his sorrow, for it was a sentence Gary had written in a letter that now seemed to have been read years ago.

Dec. 27

i Love You Gary. God how i Love You.

its been four days since i talked with my Lawyer Sunberg.

I dont know anymore about whats happening to your life. i still have not been allowed to read your last letter. Even

11/8/1
1286

if i dont ever read it--please keep writing. ill just read
your Lovin words in the presence of my Lawyer since thats
the only time im ever alowed out of the posse's sight.

Well despite everything--Your Woman somehow got herself
the position of "Vice-President of Ward 56. Ain't that a
gas!? down-rite amuseing id say.

They are--in a round-about way--sayin im the second
strongest person in the ward.--Well, on the Ladies side anyway.
Linda--the Pres. is the Lady i punched in the mouth about
four weeks back.

Shes OK.--fact is that its a damn good thing posse aint
allowed to hit back at a raveing maniac. my 115 lbs. woulda
never lasted long against her 191.

Well Love. lights is out an i cant see no more.

Tomorrow nite i will try an find a few more minets to
write.

Darlin i Love you always.

~~Sometimes Brenda would feel as if cords were hooked
into her flesh and pulling on her organs. Sometimes the pain
would hit her when she was seated and she couldn't stand up.
Sometimes when she was standing, it would grab her so suddenly,
she'd have to sit down. If a chair was not handy, she would
want to kneel. Long after she stopped going to the prison,
she kept trying to call Gary, but it was awfully tricky to~~

check

Provo Daily Herald

To Those Who Oppose

Gilmore Issues an Open Letter

Provo, Dec. 29-30---"An open letter from Gary Gilmore to all and any who still seek to oppose by whatever means my death by legal execution. Particularly: ACLU, NAACP.

"I invite you to finally butt out of my life. Butt out of my death.

"It does not concern you.

"The lawyers for other condemned men: Your claim is that your clients may be affected by my execution.

"That's balderdash. A hollow shallow argument. Your clients are staying alive (and living in fear) by the merits of their own appeals.

"Frankly I'm amazed that your clients choose to live in the abject fear that haunts and surrounds their meagre existence.

"Why not accept? I mean, if you're dumb enough to get yourself sentenced to death in the first place why cry about it?

"Shirley Pedler, Gees, baby, lay off. I wouldn't dare to be so presumptuous as to presume I could impose any unwanted thing on your life. . .Get out of my life Shirley.

"NAACP, I'm a white man. Don't want no uncle tom blacks buttin (sic) in on my life. Your contention is that if I am executed then a whole bunch of black dudes will be executed. Well that's so apparently stupid I won't even argue with that kind of silly illogic.

"But you know as well as I do that they'll kill

1284, 1288

a white man these days a lot quicker than they'll
kill a black man.

"Y'all ain't really disadvantaged lak (sic) ya
used to be.

"As for those of you who would question my sanity,
well, I question yours.

"from my heart
Gary Gilmore"

A couple of days after Christmas, Sundberg brought Nicole
the book Gary had written. It was the kind you could buy in
a drugstore with a nice cover and maybe 50 empty pages to
write in or draw upon. Sundberg was in a hurry and she sort
of leafed through while he was there and then he promised to
bring it back the next day and on that occasion, she was able
to steep herself a little more. It was just a simple book
without that much to say if you got down to it, and just like
his letters really, but she loved every word because it was
a book.

This fuckin guard sittin out here (they got a 24 hr.
guard on me so I don't go out sideways) just got done blowin
his nose. Took him 5 minutes. Musta really had something
lodged up there.

A harsh grating ungodly sound.

When he finally got done I told him: "Well, your horn
works. Now try your lites." He gave me a bleery-eyed red-

nosed look.

Now the guard is pacing. Clopping back and forth in about a size 13EEE shoe that looks too tite. The boorish fucker is bored stiff.

I got a couple books in the mail about Jesus and I looked 'em over and they were too Christian.

I mean I wouldn't mind reading a book about Christ the man, Christ the Jew, Christ the Messiah, but not Christ the Christian.

In OUI magazine in the Openers section they always got some tomatoe who sent in four flicks of herself in the foto-booth with her boobies out. I always check 'em out when I read OUI. I thot about sending them your flicks--I mean I thot about it, I'm not going to do it.

I know, tho, that they would print them.

Even if you weren't famous they would print those flicks cause you're so sexy and pretty and the look on your face with your tongue stickin out a little and your elf boobies just look so fuckin good.

Baby, before I die I'm going to destroy your letters. The reason is that they are simply not for publication. Not for the public.

1086

1290

I was going to try to return them to you, but I know if I did, that they would end up in the hands of Larry Schiller, movie producer.

Then Gary had pasted a news clipping in the book:

Salt Lake Tribune

Gilmore Answers Query Of Eastern Girl

December 4, 1976--Lisa LaRochelle, Holyoke, Mass., as part of a religion course, sent letters to a number of well-known persons asking:

"What will be the first question you ask God when you see Him?". . .

"Dear Lisa," Gilmore wrote in red ink on a legal sized sheet, "I'm not a 'prominent' person. I've just gained some unwanted notoriety. But in answer to your question. . . I don't feel that any questions will be necessary when we eventually meet God."

"Sincerely, Gary Gilmore."

Miss LaRochelle wrote the same letter to Walter Cronkite, football stars O.J. Simpson and Roger Staubach and others.

These guards can sneak down the catwalk outside my cell and watch me without me knowing it. They can see me but I can't see them. Probably a few of them are hoping to catch me jackin off so they can stand there and watch.

1291

Dec. 31

Friday

Love

Last nite i flew in my dream
like a white bird through the window
came through the night and the cool wind with a few
bright stars in the darkness
And got lost. And Woke up.

Got to go for now

Love you every minet

Nicole

Dec. 31

Fri.?

Oh Darlin

i am in a place i dislike beyond words. My situation
calls for me to convince a lot of intelligent important people
of my desire to live and my capabilities to exist as a compe-
tent mother and human being.

im givin it all i got rite now. Sometimes i almost
have to convince myself of some things before i can attempt
to convince anyone else.

But jest the same--i know inside im riding the fence.
But i love Life. Yet-----

The wish is still with me. i avoid acknowledging it

1293

For lost is my mind

Silent by dawn

Loves away stolen

And hurting is Long

So ask me no questions

Sing me no songs

Follow me nowhere

im already gone

if ever i find a quiet moment i think there is a soft
tune i would hear in my mind to go with it

Darlin. They just flipped my light. i Love you God
how i Love You Gary.

Dream of me. . .i will be dreaming you into my dreams.

Your Everlovin

Baby Nicole

1294

XXII THE INTERROGATOR

1.

~~Preparing questions for Moody and
Stranger to ASK
There was no problem about accepting Schiller's offer
FOR THE PLAYBOY INTERVIEW.
Gilmore, Barry Farrell didn't mind getting out from L.A.~~

~~for awhile. He was at a place in his life where he was having
some unaccustomed doubts about himself as a professional. He
was being sued in a major way by a publisher, and in conse-
quence, being bad-mouthed all over the L.A. literary community
not to mention New York. So, for a man who had always taken
his reputation for granted, Farrell now discovered that he was
actually feeling grateful to Schiller. Somebody who trusted
him to do a job. Considering his life in Los Angeles right
now, and his aversion to it, Barry felt that going to work on
Gilmore was like being given an expense-paid holiday in Tahiti.~~

~~He had been doing a book about the Mustang Ranch in Nevada
when the most extraordinary thing happened. This group of real
people he had been writing about suddenly turned on each other,~~

Stef
a
Boss
Cut

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1295

In fact, Barry liked the results well enough to begin laying out the interview. He took stretches of verbatim dialogue and trimmed them, and occasionally switched paragraphs, and he added material from what Gary had already written in earlier interviews. Occasionally, he would rewrite his questions after the fact to improve the flow, or offer--tithes to Caesar--the inimitable flavor of a Playboy interview. This beginning was exciting to him. Lots of promise for the continuation.

He had ^{wanted} ~~tried~~ to get ^{him} ~~Gilmore~~ on record over a broad range of responses. In order not to drive him away, ^{Barry} ~~he~~ had left a certain naivete in the questions. That would let Gilmore feel superior. The results ^{were} ~~had been~~ astonishing. Gary came back fantastically. It was obvious that Gilmore had set out to present the view of himself that he wanted people to hold. He was being his own writer, creating his own public character for history. Farrell was fascinated. Farrell had never been involved with a subject who had had more energy to give an interview. While there was little depth to most of the replies, that had not been the aim of the first questions. Farrell had only been trying to get answers that would serve as material from which to construct deeper questions. He had it now. He had more. Gilmore had given him the Gilmore canon. It

was so good that Farrell could begin to worry whether they were committed into it.

INTERVIEWER: As far as we can tell from your prison record, you've been locked up almost continuously since you entered reform school, and that was 22 years ago. It's as if you never saw any choice but to live out a criminal destiny.

GILMORE: Yea, that's kind of a way of putting it. In fact, that's very nicely put.

INTERVIEWER: What got you started thinking like a criminal?

GILMORE: Probably going to reform school.

INTERVIEWER: But you must have done things to get yourself sent there.

GILMORE: Yea, I was about 14 when I went to reform school and, ah, 13 when I started getting locked up.

INTERVIEWER: What had you done to get locked up at 13?

GILMORE: Well, I started out stealing cars. . .but, ah, I guess my first felonies were probably burglaries, house burglaries. I used to burglarize houses on my paper route.

INTERVIEWER: Why? What were you after?

GILMORE: Why? Well, I wanted guns, mainly. A lot of people keep guns in their homes and, well. . .that's what I was primarily looking for.

INTERVIEWER: How old were you then? Eleven? Twelve? Why did you want guns?

GILMORE: Well, see, in Portland, at that time, there was a gang. I don't know if you ever heard of it--probably not. But, man, I figured that, well, I would like to be in the Broadway gang. And I figured the best way to get in was to go down and hang around Broadway and sell 'em guns. I knew they wanted guns. I mean, I-I don't even know if the gang existed. . .it may have been a myth. But I heard about 'em, you know? So I thought, I wanted to be a part of an outfit like that. . .the Broadway boys.

INTERVIEWER: But instead you got caught and sent to reform school?

GILMORE: Yea, the MacLaren School for Boys, in Woodburn, Oregon.

INTERVIEWER: Was that the point at which you just told yourself, from here on I'm in for trouble?

GILMORE: (Laughs) I always felt like I was in for trouble. I seemed to have a talent, or rather a knack, for making adults look at me a little different, different from the way they looked at other kids, like maybe bewildered, or maybe repelled.

INTERVIEWER: Repelled?

GILMORE: Just a different look, like adults aren't supposed to look at kids.

INTERVIEWER: With hate in their eyes?

GILMORE: Beyond hate. Loathing, I'd say. I can remember one lady in Flagstaff, Arizona, a neighbor of my folks when I was three or four. She became so frustrated with rage at whatever shit I was doing that she attacked me physically with full intent of hurting me. My dad had to jump up and restrain her.

INTERVIEWER: What could you have been doing to get her so mad?

GILMORE: Just the way I was talking to her and the way I was acting. I was never quite... a boy. One evening in Portland, when I was about eight, we all went over to these people's house, and there were two or three adults there. I don't remember just what I did, giving everybody a lot of lip, fuckin' with everything in the house--I don't remember what all--but anyhow, this one lady finally flipped completely out. Screamed. Ranted. Raved. Threw me out of the house. And the other adults there supported her and all felt the feelings she felt. Apparently, shit like that didn't have much effect on me. I can remember just walking home, about three miles, whistling and singing to myself.

INTERVIEWER: It sounds as though you were on the course you've always followed well before you went to reform school. Why did you say it was going to reform school that got you started--

I had a tough-guy complex, that sort of smart-aleck juvenile-delinquent attitude. Juvenile delinquent--remember that phrase? Sure dates me, don't it? Nobody could tell me anything. I had a ducktail haircut, I smoked, drank, shot heroin, smoked weed, took speed, got into fights, chased and caught pretty little broads. The Fifties were a hell of a time to be a juvenile delinquent. I stole and robbed and gambled and went to Fats Domino and Gene Vincent dances at the local halls.

INTERVIEWER: What did you want to make of your life at that point?

GILMORE: I wanted to be a mobster.

INTERVIEWER: What's your idea of a mobster? Like James Cagney with a piece?

GILMORE: No, man, a member of the Mob.

INTERVIEWER: Which, in Portland, might have been a myth, like the Broadway gang.

GILMORE: Sure.

INTERVIEWER: Didn't you think you had any other talents?

GILMORE: Well, yea, I had talents. I've always been good at drawing. I've drawn since I was a child, and I remember a teacher in about the second grade telling my mom, "Your son's an artist," in a way that showed she really meant it. My mom used to tell me about my great-grandfather Kerby, who was a pretty well-known painter around Provo about a hundred years ago. And people in the family have always said, Gary's really lucky, he inherited all Grandpa Kerby's talent. I don't argue with that, but I don't agree. I think whatever talent I have is something I earned on my own.

INTERVIEWER: Did you ever have a time when you had second thoughts about that criminal destiny, where you thought you might change?

GILMORE: Well, I figured if I could get something going as an artist--but it's so damned hard, you know. I wanted to be successful on a large scale--a fine artist--not a commercial artist. After awhile I figured I'd probably just spend the rest of my life in jail or commit suicide, or be killed uh, by the

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police or something like that. A violent death of some sort, but there was a time as a kid when I thought seriously about it, you know, being a painter.

INTERVIEWER: How long was it before you were locked up again?

GILMORE: Four months.

INTERVIEWER: Four months! We thought you said that reform schools educate. Couldn't you have used your esoteric knowledge to stay out of jail?

GILMORE: It was just the pattern of my life. Some guys are lucky all their lives. No matter what kind of trouble they get into, pretty soon they're back on the bricks. But some guys are unlucky. They fuck up once on the outside and it's the pattern of their lives to be drawn back to do a lot of time.

INTERVIEWER: And you're one of the unlucky ones?

GILMORE: Yea, "the eternal recidivist." We're creatures of habit, man.

INTERVIEWER: What's the longest stretch of time you've been free since you first went to reform school?

GILMORE: Eight months was about the longest.

INTERVIEWER: Your I.Q.'s supposedly about 130, and yet you've spent almost 19 of the past 22 years behind bars. Why were you never able to get away with anything?

GILMORE: I got away with a couple of things. I ain't a great thief. I'm impulsive. Don't plan, don't think. You don't have to be a superintelligent to get away with shit, you just have to think. But I don't. I'm impatient. Not greedy enough. I could have gotten away with lots of things that I got caught for. I don't, ah, really understand it. Maybe I quit caring a long time ago.

All that was fine. Farrell was not buying any of it without further examination, but the man was at least trying

to give a presentation of himself. This was the way he wanted the world to think of him and to remember him. A mite a different man from the letters!

Barry was thinking that if a rapport could be established, if Gilmore would begin to show the vulnerability he had revealed to Nicole, the interview would be vastly enriched. That was one problem Farrell looked forward to solving.

The other was to get Gary to talk truly about the murders. Something happened when he spoke about that. Gilmore's ability to comment on his own actions disappeared. His account became an episodic unstressed narrative. He would use the same words that every hustler and psychopath would give you equally of the most boring, or of the most extraordinary evening---then we did this and, man, like then we ~~did~~ that. The resolute refusal to attach value to any detail. Life is a department store. Lift what you can.

GILMORE: April got in the truck and, man, she turned the radio on real loud and moved right over beside me and told me she didn't want to go home, and I told her, well, look, I'll keep you out all night, if you want. So I drove down to the place where I'd bought my truck and I talked to those guys about the financial arrangements. I give 'em my Mustang as the down payment and we drank some booze and just kind of made a loose arrangement about the truck, they were more or less just holding my guns for me, and, uh, I kept one pistol with me, the loaded one, and I signed the papers and took ownership of the truck and left my Mustang there, and then I was

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drivin' around with April and we got out into Orem and I pulled around the corner to this service station and it looked fairly deserted. That's what I guess drew my attention to it. I just drove around the corner and parked and told April to stay in the truck. I'd be back in a moment. And I went over to the gas station and told Jensen to give me the money, and he did, and I told him, well, come on in the bathroom and get down on the floor, and it was pretty quick. I didn't let him know it was coming or anything. It was just a .22, so I shot him twice in rapid succession, to make sure that he was not in any pain or that he wasn't left half alive or anything. And, and, I left there and I drove to, uh, I don't know just where that Sinclair station was, but I drove back to the main drag. State Street, I guess it is, and I went into Albertson's and bought some potato chips and different things to take to a movie and half a case of beer and some things that April wanted to eat.

~~(S) took a lot of time to get the answers,~~
Finally, Moody or Stanger³ asked him a question and then began to ask him a few more. Farrell couldn't help but note that it produced better results. It was obvious Gilmore had to be questioned closely, pushed. It opened his mind and got him out of the psychopathic flats.

INTERVIEWER: Now, one thing. When you stopped at the gas station, did you have any intention of either robbing Jensen or killing him?

GILMORE: I had the intention of killing him.

INTERVIEWER: When did that concept form in your mind?
To kill somebody--

GILMORE: I can't say. It had been building all week. That night I knew I had to open a valve and let something out and I didn't know exactly what it would be and I wasn't thinking I'll do this or I'll do that, or that'll make me feel better. I just knew something was happening in me and that I'd let some of the steam off and, uh, I guess

all this sounds pretty vicious.

INTERVIEWER: No. No. Did Jensen say anything to annoy you?

GILMORE: No, not at all.

INTERVIEWER: What prompted you to leave the truck and go into the office where Jensen was?

GILMORE: I don't really know.

INTERVIEWER: What do you mean by that?

GILMORE: I mean, I don't really know. I said the place looked deserted. It just seemed appropriate.

INTERVIEWER: Apparently, killing Jensen didn't do anything to take the pressure off. Why did you go out the next night and kill Bushnell?

GILMORE: I don't know, man. I'm impulsive. I don't think.

INTERVIEWER: You killed him the same way you'd killed Jensen the night before--ordering him to lie down on the floor, then firing point-blank into his head. Did you think killing Bushnell would give you some kind of relief you didn't get with Jensen?

GILMORE: I told you, I wasn't thinkin'. What I do remember is an absence of thought. Just movements, actions. I shot Bushnell, and then the gun jammed--them fuckin' automatics! And I thought, man, this guy's not dead. I wanted to shoot him a second time, because I didn't want him to lie there half dead. I didn't want him in pain. I tried to jack the mechanism and get the gun workin' again, and shoot him again, but it was jammed, and I had to get my ass out of there. I jacked the gun into shape again but too late to do anything for Mr. Bushnell. I'm afraid he didn't die immediately. When I ordered him to lie down, I wanted it to be quick for him. There was no chance, no choice for him. That sounds cold. But you asked.

INTERVIEWER: Was there any difference in the way you approached the two killings?

GILMORE: No, not really. You could say it was a little more certain that Mr. Bushnell was going to die.

INTERVIEWER: Why?

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1304

GILMORE: Because it was already a fact that Mr. Jensen had died, and so the next one was more certain.

INTERVIEWER: Was the second killing easier than the first?

GILMORE: Neither one of 'em were hard or easy.

INTERVIEWER: Had you ever had any dealings of any kind with either one of those men?

GILMORE: No.

INTERVIEWER: Well, what led you to the City Center Motel, where Bushnell worked? We're just trying to understand the quality of this rage you speak of. It wasn't a rage that might have been vented in sex?

GILMORE: I don't want to mess with questions that pertain to sex. I think they're cheap.

INTERVIEWER: But if, on the night you killed Bushnell, you had wound up with a friendly girl who could offer you beer and company and a relaxing time, wouldn't that have helped you feel better?

GILMORE: I don't want to answer that question.

INTERVIEWER: You seem to find it easier talking about murder than sex.

GILMORE: That's your judgment.

2.

It had been a fine beginning, but, afterward, the interviews went sour. ~~All the while that Schiller was in Hawaii, nothing happened with the tapes.~~ Farrell began to wonder if he had scared Gilmore off a bit. Maybe too much had been invested in the first big interview. Since nobody knew how long Gilmore might be amenable to answering questions, Farrell had given it a good shot. Now, however, Gary seemed disabled from

Dec
Fact
change
right?
To come,
right?

CM

1305

the holidays. Who would be more sentimental at such times than a man on death row, and looking over his bitter responses about holidays in prison, Farrell read between the lines: This is my last Christmas on earth.

Barry also began to worry that Moody and Stanger might be sabotaging the interviews just a bit. Day after day, in that last week of the year, they would go out and banter with Gary, cut up, totally skip around key points, ignore a reasonable follow-up to Gary's best responses, and read some of Farrell's more elaborate questions as if they were too literary if not downright absurd.

Barry would call up Stanger's office and dictate the questions. A day or two later, the appropriate tape would come back. It would be so empty of new content that Farrell would wonder whether the lawyers wanted to show that not only could they produce, they could also hold back. ~~They could cause interviews not to happen. He figured they were still mad over Schiller going to Hawaii. They might be gentlemanly and pleasant and nice, and he did not have showdowns with them, but more and more in the performance of their functions, they seemed to be withholding their services.~~

Sometimes Barry would decide that they had all astonished themselves with that first big go-around, sometimes he thought

it was the ticking of the clock. The interpretation hardly counted. No matter what kind of question he asked, Gilmore now came back with that kind of Big House bravado which masked feeling more than presenting it. Maybe it was the surrealistic clash between Farrell's questions and the lawyer's voices, maybe it was that there was something unholy in interrogating a man on the way to his death, but virtually nothing came back.

STANGER: Have you ever been any good as a prison politician?

GILMORE: In the last period when I was in Oregon I got off into a revolutionary bag a little bit, and then I just seen them revolutionaries ain't gonna revolution shit, so I fell out of that. (laughing)

STANGER: Okay. You spent more than four years in the hole. Is this because you choose to do it the hard way? Or, because your acts are beyond your control?

GILMORE: (laughing). . . I gotta pick A, or B now huh? (laughing)

STANGER: Multiple choice. . . (laughing)

GILMORE: Man, I'm just a fuck-up.

~~That was about the way it went~~ # Farrell would decide

he was working too much by himself, or that he had become too passionately attached to his questions, but certain exchanges did drive him up the wall. In that ^{first} good interview, ~~on December 20~~ there had been a clue to the back and forth:

INTERVIEWER: Your sense of the inevitability and the rightness of your fate suggests that the killings were a long time coming. Had you fantasized yourself in the killer's role long before it became a reality? (Pause) It's a good heady question, isn't it? (laughter)

GILMORE: Yeah, it is. I wonder if I could go take a hit 'n miss? (laughter) That's rhyme in Cockney for "piss."

INTERVIEWER: That sounds good. Let's do it.

GILMORE: And come back and answer that one. I'll give that some thought.

INTERVIEWER: Okay.

GILMORE: It's rather religious.

Then Gary had come back with his long and half-satisfactory account of killing Jensen. ~~That was last week.~~ It proved what Farrell had expected. Secretly Gilmore did like literary questions and highly formulated approaches. It dignified his situation. Here, despite the lawyer's mockery of the question, he had still come back with some kind of answer. But such willingness to reply, had to be fragile. It would not bear up if the lawyers kept responding with nothing but embarrassed man-to-man Mormon jokes. Dammit, there was so little time. It was like people, Barry decided, giving out with quips around the bed of a man dying of cancer.

3.

In turn, when Schiller came back from Hawaii, he hardly

} Fact
change
coming

stat

felt happy. He felt as if the moment he had gone away, all the push had stopped. ~~It had been a very loose period. Farrell~~
~~was a good observer, but he tended to look for interpretations~~
before he had the facts. Later, they would have all the time in the world for interpretations. Right now, Schiller wanted facts.

All through December, Schiller had suffered through Moody and Stanger's interviews. In the beginning, using his own questions, which he had cooked up with Bill Johnson of the L.A. Times, ^{he had} grown dissatisfied with what the lawyers were bringing back. Then he decided to hire Farrell. There had been one small disaster after another in December in the interviews.

In the beginning they hadn't even known how to use a tape recorder. Once, they did it with a dead battery. Schiller even had to buy them fresh batteries. He couldn't comprehend the sloppiness. It was cavalier. Stanger just kept laughing it off. One time the cassette was not turned over. They recorded twice on the same side. Must have sat there, and rewound the tape, and then recorded on top of themselves. Their attitude seemed to be: if we make a mistake, we'll get it tomorrow. They didn't seem to understand that tomorrow it could all be cut off and they would never get a tape recorder in again. They acted as if it was their prison. Schiller, ~~trying to hold onto his temper, sometimes had to say to himself,~~

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well, maybe it is. It was practically their home town, after all, their county, their state. They couldn't conceive of being cut off. He felt as if he were dealing with Cub Scouts.

"Forget Larry Schiller, the fucking businessman," he told them. "That's a side of me, but we're forgetting it. We have history here." When they continued to show resistance, he said finally, "I'm going to give these interviews over to Vern. He may not have your education, but he'll listen to me." Maybe that was what enabled him to start fucking get through, but it consumed two horrendous weeks in December. The answers to the questionnaires ended up taking too much time from ABC, movie rights, planning the story, getting ready for the execution, assorted business. He never had the opportunity to read the very letters he was going to sell. Instead, he just went crazy, listening to the lawyers laugh on those tapes.

The problem, Schiller decided, was that vis-a-vis Gary, *lawyers Moody and Stanson* they were feeling stronger all the time. They made a point of letting him know how they had been out at the jail on Christmas Day while he was sunning his meat in Hawaii. They had also been out New Year's Day and many a day in the week inbetween. In fact, they were there every day. They made a point of letting Schiller know how much Gary had told them about his quarters. He was alone in his own special suite of three cells in a corridor. He had been separated from the convicts in

death row itself. He was all alone with a cell on either side of him, and plenty of space to keep the overflow of his letters. It wasn't too bad.

They never barred his cell door. That meant he had not only three cells to move around in, but the corridor, and a guard for company. Gilmore could even go up to his own barred gate and look out on the main corridor, and occasionally talk to a prisoner who might be walking along. Yet he was lonely. There was no question he looked forward to the visits Moody and Stanger would make. Then he could leave his quarters and go to the booth off the visitors room. That time was valuable to him. Each time they would hang up the phone and start to go out the door, they could hear a tap on the window. It was, they told Schiller, Gilmore waving them back. He would want to inquire about their children. Gilmore would give advice. Take your time with your children, he would say to Ron and Bob Moody. Love them, but be firm with them. When they do something wrong, punish them, but love them. Keep telling them you love them. It was as if Moody and Stanger were in church and Gilmore was giving them advice, they explained.

Of course, these daily sessions had given Moody and Stanger such concern for the little creature comforts concerning Gary that they were not, from Schiller's perspective, seeing the big job in proportion, but downgrading it.

check

smuggled out. Damned if they didn't play it right in the coffee shop. Schiller said, "Let's go back to the office and listen." But they had to hear what they had gotten right there in the fucking restaurant. People were around who could have overheard it all. Couldn't seem to comprehend it wasn't wise to do. Children. Stanger kept giggling. e

More annoyed than ever, Schiller told the lawyers to instruct Gary to call them Larry during an interview. He didn't want Gilmore to feel the questions came from his lawyer, but rather from the man to whom he was telling the story of his life. Schiller was trying everything.

4.

He was having other problems with Gary. In one of the telegrams he sent in, Schiller thought it would be a good idea to use a code name for Nicole so the prison wouldn't know what he was talking about. He came up with Freckles.

After he sent it, he realized to his horror that Gary had kept calling her Freckles in his letters. He might make the connection. What a goof! Larry almost suspected he had done it on purpose as a way to confess to Gary that he was privy to the letters. If Gary would only accept the idea that

he knew their contents, it might accelerate the intimacy of the questioning. On his return from Hawaii, however, there was a letter to him from Gary.

Dear Larry,

Freckles?

Her name is Nicole.

Dig?

You've read the letters--I don't like that.

I've got about a hundred letters right here in my cell
that Nicole wrote to me.

You aint reading them.

"I will before it's over," thought Schiller.

I don't question your motives. I know you need to know
all you can.

But some of your methods. . .

Its a matter of how you approach me Larry--

You can offend me.

I would rather you didnt

May I suggest--that you be utterly straightforward with me.
Because I'm a literal man.

When I asked you not to read those letters you didnt
argue with me or try to persuade me.

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The next time you offend me it will be forever Larry.
But, for the nonce, this one time, I will let it ride.
Now you know.

Sincerely,

Gary

DEC 30, 3:43 P.M.

GARY GILMORE UTAH STATE PRISON

PO BOX 250

DRAPER UT 84020

YOUR LETTER RECEIVED STOP IT WAS SUGGESTED THAT I USE FRECKLES
AS A CODE BUT IF YOU FEEL CODES ARE NOT NECESSARY THEN THEY
WON'T BE USED STOP I UNDERSTAND YOUR POINT AND IT WAS WELL
MADE STOP I WAS NOT TRYING TO HIDE THE FACT STOP REGARDS
LARRY

When there was no answer, he sent another telegram.

JAN 2, 1:42 P.M.

GARY GILMORE

UTAH STATE PRISON BOX 250

DRAPER UT 84020

NICOLE'S PRIDE IN YOUR LETTERS ALLOWED HER TO SHARE THEM WITH
SEVERAL PEOPLE INCLUDING MYSELF STOP SIDE BY SIDE BOTH SETS
OF LETTERS COULD ONLY LEAVE A TRUER AND MORE COMPLETE RECORD

OF YOUR LOVE THAN EITHER OF THEM ALONE STOP PLEASE CONSIDER
THESE THOUGHTS IN DECIDING TO SHARE THE LETTERS WITH ME STOP
I WANT TO DEFEAT THE IDEA THAT YOU HAVE A POWER OVER HER
STOP THAT IS THE EFFECT THAT IS BEING DRAWN WHEN ONE READS
ONLY YOUR SIDE STOP HER LETTERS IN MY OPINION WOULD BE THE
STRONGEST WAY OF GIVING THE TRUE PICTURE OF YOUR RELATIONSHIP
STOP COULD YOU PLEASE GIVE YOUR ATTORNEYS THE ONES THAT YOU
FEEL EXHIBIT WHAT I AM SAYING STOP IF YOU DECIDE IN THE NEGA-
TIVE I WILL UNDERSTAND STOP PLEASE LET ME KNOW THAT YOU HAVE
RECEIVED THIS TELEGRAM STOP THIS IS NO WAY TO COMMUNICATE
BUT ITS THE BEST THAT WE GOT. LARRY

Gilmore did not send back a letter but in the next day's
interview, he chatted endlessly. No questions were asked
and none answered. On tape, he did reply, however.

GILMORE: I got a mailgram from Larry and he asked if
he could have the letters Nicole has written to me.
Just tell him that I destroyed 'em, I won't elabo-
rate. He uses a little abstract psychology and
that doesn't work with me. He sort of suggested
that, ah, his reasons are valid, he wants to see
both sides of the correspondence, and he's already
seen my side of it, but he suggested that, ah, it
was kind of an innuendo, too, that you know, a lot
of people think you've got some kind of hold over
Nicole and maybe if we could see this correspondence,
we could clear that all up, and I don't like that
kind of suggestion, and there's no way he can see
her letters, they're printed in my heart. That's
where they're at, and they're gone, so, that'll
save me from writing him a letter. . . (laughs)

(((space #)))

10-24

1315

~~kept herself quiet and listened with me.~~

~~i went there again with you only a night or so back.~~

~~Oh Crazy Me~~

Jan. 8 Sat.

Hello my Love

Crazy Life

My Mother in Law Marie Barrett brought Sunny up to see
me yesterday.

She's gettin so damn pretty an sassy. An happy as a
lark. Peabody too. Got himself some little levis an boots.
Looks like a tuff little shit Kicker, but hes sweet as pie.
He used to hit me and throw fits when i gave any of my atten-
tion to Mom or Sunny.

its neat to have them up here. They really Love me
an make it so obvious. Guess i kinda lost touch with my
Love for them a little while before all this came about. . .

Would you believe-i get strip shook after visiting with
them.

i got a bit of infection, an the doc ordered me a subo-
sitory. But they insist on watchin me insert it so i said
to hell with it--ill rot first. forgive my vulgarity Love. . .

its a crazy life these days. i wonder what destiny
we are waiting for. Entering.

if you are shot Jan 17. . .

15-20-

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What will be in me? will i be nothing--if you go away. . .
Will i be more? Will i be lost or be found? i dont want
to be without you. i dont think i would continue to exist
if i should be ever a day without Your Love in my soul.

Jesus, Gary. Be with me.

i love you so very much.

Salt Lake Tribune

Press Asking for Rights in Execution

Salt Lake, Jan. 6--KUTV yesterday filed suit in U.S. District Court for Utah seeking the right to witness and report the scheduled execution on Jan 17 of convicted murderer Gary Mark Gilmore. . .

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XXIII OUT WHERE THE TV IS MADE

1.

Salt Lake Tribune

Cover Execution? Not Barbara

Salt Lake, Jan 7--Barbara Walters would be horrified if she were asked to cover the execution of Gary Gilmore next week. She would probably turn down the assignment.

Her co-anchor person Harry Reasoner, on the other hand might move his job to Salt Lake City for the day.

In fact he believes this case should be given national attention by being televised live. "But only this one," he said. . .

Early in January, ~~on the night~~ Schiller met Bill Moyers at the Utah Hotel to discuss going on CBS Reports. ~~he called Tamera Smith and asked her to come along for this very private dinner. She would, Schiller knew, jump at the fishing occasion. It pleased him because this was the first time he would pay off on all he had promised at her brother's house, about showing how the inside worked. Moreover, he wanted to see how much he~~

?

~~City or whoever the Mormon power was that decided such things.~~
~~Maybe it was the feeling of this church the equal to the Mormons~~
~~of the Vatican--being right across the street, but~~ Schiller got,
~~carried away with the possibilities and~~ decided to take a real
gamble. ~~He~~ He said, smiling nicely at Moyers, "Look, I don't
want you tearing me apart on your show and therefore, I'm
going to give you something." ~~and~~ this was his first answer to
Moyers who had said straight out after the preliminaries, that
he wanted to interview Larry concerning money, exploitation
and the financial side of the execution of Gary Gilmore.
Schiller could see the throw coming in from home plate to the
outfield as if he was watching in slow motion. He replied,
"I have something you want which I'll give to you, but it has
to be on my terms. I'll let you read the transcripts of the
tapes I have with Gary Gilmore, and let you pick three minutes
of tapes from that for your show, but first, you have to under-
stand my terms. You really have to come to believe I'm a bona-
fide journalist, or else decide I'm an exploiter. I want you
to take twenty minutes right now and listen while I tell you
who I am, and what I am, and where my head is at. Then you're
the one who can decide whether I'm giving you a line or not."

~~With Pamela there,~~ He gave the twenty minute version of
his life story. He emphasized the side that other people did
not know as much about, the work he'd done on artificial kidneys,

and on mercury pollution in Japan with the eminent photographer, Eugene Smith. He spoke of how his emotional involvement with such worthwhile subjects might have changed his life more than others could recognize. He was there to spell out the mistakes he had made with Susan Atkins, and could testify to the fact that Jack Ruby and some of his other work had not been wholly well received. There might have been years when he ran quick for the hard dollar, but he was motivated now by work and that had to be understood about him. When he finished, and he felt he had reached Moyers to some degree, Schiller said, "I'm going to let you read the transcripts of Gary Gilmore's interviews tonight, and let you select three"--he expanded it-- "to five minutes worth of tape, but these are the conditions. Whichever voice is on there, the lawyer's voices, or whoever's, cannot be used. You can only pick Gilmore's answers. You cannot say on the show who is doing the interviewing." Moyers would understand. The source had to be protected. "Then," said Schiller, "I have the right of approval to kill anything you pick. I'll be reasonable, but I must have such control. I cannot give you carte blanche." Moyers said, "Well, what do you want in return?"

Of course, Schiller could see, Moyers would jump at it. He had to. There was not much TV story in Salt Lake without Gilmore's voice. "One," said Schiller, "I want a journalistic

background when you interview me. I want to be photographed in a newspaper office, at a typewriter or on the phone. I need," said Schiller, "this background to give me credibility for what I'm saying. I have no control over how you're going to editorialize about me. I may have a little control about what you film, because I know a lot about cutting, so I can see what you'll be up to, but I have no control over what you, personally, say about me, so I need a visual background. The second thing is that money matters can only be discussed with me if I'm on the move." "What," asked Moyers, "do you mean by that?" "I have to be moving," said Schiller, "either walking or driving as I talk. I will not discuss money matters sitting down."

"Why not?"

"Because," said Schiller, "no matter how you shoot it, I'm overweight. If you take me with a normal lens sitting behind a desk, I look like a money man. Shoot me with a wide angle lens and I look like Farouk." Moyers chuckled, then laughed. Schiller said, "If you're willing to make that type of deal with me and, remember, I'm still leaving myself wide open, because you can still say anything you want about me, then I will give you the transcripts. You read them tonight and you pick what you want."

Moyers could, of course, run off and Xerox the stuff.

Bill Moyers could do a lot of things, but Schiller trusted him. Besides, there was more than trust. Moyers was making news movies for CBS and Schiller could say, "I'm going to be back at CBS when this is over, developing 'The Dogs.'" That was a proposed million and half dollar film that Schiller had a writer working on, and he expected it would soon be shelved, but it certainly was at CBS right now and Moyers was not necessarily going to knock him in the news department when the entertainment division was hiring him. In addition, Schiller had laid in other stuff to give Moyers a balanced view, make the man, Schiller, look interesting to Moyers at the news level rather than just a character to expose.

Of course, Larry also had respect for Bill. He didn't respect him for being the number one news honcho under Lyndon Johnson, or because of his new career on TV. He respected him for what Moyers had done at Newsday. He thought Bill had made a pretty strong editor of that newspaper, a subtle strong hand. On the basis of being able to tell him that, he was also able to say to the man that he wasn't necessarily going to make a very good CBS reports voice. "You got to learn some acting, Bill." Moyers said he was aware of the problem, and had been practicing. He had even, he confessed, tried looking in the mirror when he spoke, which wasn't his normal way of doing things.

Hadn't Stanton
retired by then?

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They began to relax. Moyers mentioned, that in November, when he had first proposed doing Gary Gilmore, CBS had said, "We'd rather have you do Fidel Castro. We want credibility for your new show." Then, according to the way Moyers got it from in-house gossip, somebody very big at CBS said to Frank Stanton, "Why don't we do Gilmore instead? Everybody is talking about that in the newspaper." Stanton said no, and kept saying no until he went to a meeting with Paley to whom he mentioned that Moyers had this crazy idea about Gilmore. Paley turned around and said, "That's phenomenal. That's what we want for Moyers, ratings."

So Bill had moved the entire team into Provo, film editors and all, and planned to air CBS Reports the night of the execution. He figured they would get the top rating that night because the whole world was going to see it. Schiller was thinking: Here comes the old dichotomy. I have to sell myself as not being exploitative, but CBS, who is always holier than thou, is going for the good old ratings.

~~Tamera found the whole dinner really special. When Larry told her they were having dinner with Bill Moyers that night, she didn't even know who Bill Moyers was. When she found out, it excited her. It wasn't every day you get to go out to~~ ?

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~~seen as he'd gotten into town, had had one of his reporters
contact her, and she had talked to that man quite a bit, Bill
didn't realize she was the same person he'd had interviewed
until they were half way through the dinner. Since she hadn't
connected his name either, they had a real "Oh, that's who
you are," kind of thing at about the same time.~~

with Moyers

Schiller got back from dinner to learn over the phone from Chuck Fries, his associate at New Ingot, that ABC was not happy. Schiller was getting too much press attention, and they wanted him back in L.A.

Next morning, Moyers came by to have breakfast, and said, "This is phenomenal. I want to do the entire show with your tapes."

"No way," said Schiller, "no, no, no way." They were all predictable. They all wanted everything. "No, no, back off," said Schiller in his mind, but decided he had to throw Moyers a bone. "You know, he said, "I've had a camera in the prison. I have photographs of Gilmore. You can't say who took the pictures, but if you want to run a montage of stills, well, I won't give you the prints, but I will shoot a movie film of the stills, provided you pay the lab costs in LA for the outfit that makes the montage. However, I must design it."

Moyer's producer hit the fucking ceiling. "This is news,"

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if he had been a reporter on the job, he couldn't believe it. He simply couldn't fucking believe it. They just didn't do their work. Sat around, drank, swapped stories, worked up a consensus, and put a common evaluation on a story the way an open market arrived at a price. They all used the same few stories in common and had nothing to offer, and he had all these interviews and saw all these interesting qualities in Gilmore. Yet, if he, Larry Schiller, were to speak of them, no one would believe him. He was only a spokesman for Gary Gilmore. To come out with Gilmore's nice side would only mean that Schiller was painting the picture for his own financial benefit. So, he had to have the picture painted by somebody else. Right now, that was going to be Bill Moyers.

Just then, it looked like the blip was going to hit the fan in another way altogether. The National Enquirer came out with their piece, and it was a disaster. It wasn't the letters that ~~Scott Meredith~~ ^{Scott Meredith} had sold to them on the quiet, it was that they analyzed the tape of a telephone conversation with Gary that ~~Meredith~~ ^{Meredith} had also sold to them, and thereby put Gilmore's psyche all over the page. Gary held on to his psyche like a virgin to the lips of her vagina.

NATIONAL ENQUIRER

Expert Analysis of Killer's Voice Using Psychological Stress Evaluator Reveals... .

1326

Murderer Gary Gilmore is Lying--
He Does NOT Want to Die!

By John Blosser

Jan. 4--Condemned killer Gary Gilmore is lying when he says he wants to die before a firing squad.

That's the conclusion of Charles R. McQuiston, a former top U.S. intelligence officer, who used a PSE (Psychological Stress Evaluator) to analyze a 10-minute tape of a telephone conversation with Gilmore at the Utah State Prison.

"I am totally convinced that Gilmore does not wish to die. He is very emotionally involved with this process of meeting his Maker, and he is very scared," the intelligence officer said.

McQuiston spent two days evaluating the phone conversation with Gilmore exclusively for The Enquirer. The PSE is a device that is used by more than 100 U.S. law enforcement agencies to determine when a person is lying, by charting stress patterns in the voice.

"I have listened to this tape many times... .

"Gary Gilmore does not want to die.

"He does not want to spend the rest of his life in prison either.

"He wants clemency for his crimes," McQuiston told The Enquirer.

Here are some excerpts of Gilmore's tape recorded statements and Charles McQuiston's PSE analysis of their truthfulness:

GILMORE: "The law has sentenced me to die. I feel as I have taken a human life that it (the sentence) is proper."

McQUISTON'S ANALYSIS:

"There is extremely heavy stress on the words "to die. This means there is no way he wants to die."

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GILMORE: "I'll simply go out there and sit down and be shot."

McQUISTON'S ANALYSIS:

"His cyclic rate goes wild on this statement. He may be forced to do this (face the firing squad) but it's not simple--and he certainly doesn't want it to happen."

GILMORE: "I guess you could say I do believe in a life hereafter, and that makes it a little easier for me (to face death)."

McQUISTON'S ANALYSIS:

"The stress patterns show that he does believe in a life in the hereafter."

"That is a true statement. However, it doesn't make it easier for him."

"It makes it much more difficult. He believes."

"But he feels that he is going there (to the hereafter) without the proper credentials--and he is scared."

JAN 5 4:31 P.M.
GARY GILMORE
UTAH STATE PRISON
PO BOX 250
DRAPER UT 84020

IT HAS TAKEN ME 24 HOURS TO CALM DOWN AFTER SEEING THE INQUIRER OTHERWISE WESTERN UNION COULDN'T TAKE MY WORDS. THEY BOUGHT MATERIAL AND OBVIOUSLY USED ONLY A SMALL PART OF IT. I GUESS I SHOULD HAVE EXPECTED IT BUT IN SOME WAYS IM STILL NAIVE. IM JUST ASHAMED THAT THIS IS THE FIRST THAT YOU SEE BUT YOU KNOW THE REASONS WE WENT THIS WAY AT THE BEGINNING. THAT MARKET IS NOW SATISFIED AND NOW WE CAN GO FOR WHAT WE WANT.

LARRY

[~~st~~ 2 sentences to reintroduce Tamera and say that Schiller had ^{made} a deal with her.]
Now, Larry asked Tamera is they could use a desk at the Deseret News for his Moyers interview, and Tamera apparently didn't have

too hard a time getting permission. It was a Saturday night, after all, and there was hardly anyone there.

The set-up was just what Schiller wanted. He had the feeling of a big city paper's newsroom behind him all the while he spoke. There he was sitting at a typewriter with a full shot of himself listening to a tape of Gary, then going to work on the typewriter.

Moyer's crew was going full blast filming when it came over the fucking wire that ABC had pulled out. Pulled out. Schiller was sitting in front of the news desk and Tamera came up in a break, and said, "You got to look at something." She took him to a corner of the room and handed him a tear of paper just come in off the wire.

None of his own people had called him, not Chuck Fries, not Lou Rudolph in LA, but there it was, right on a wire service release. The President of ABC, Frank Pierce, was not producing any entertainment stories on Gary Gilmore. Incredible. It meant that ABC was 1) writing off seventy grand they had already spent, and 2) they were leaving Schiller wide-open.

Now, the game was to finish the interview before Moyers heard of that news story. The moment he did, all would be fair in love and war. The questions would be put.

Dallas N.Y. City
in WHAT CITY,
Schiller began to think of the time he was in the Americana Hotel, releasing the interview he had done with Jack Ruby, and the news came right in the middle of that press conference. A reporter stood up and said, "Mr. Schiller, what do you have to say now that Jack Ruby has just died." Larry remembered having to give an extemporaneous answer in a hideously delicate situation, awful. He didn't want to be in that position with Moyers. He could already hear it. "Mr. Schiller, even though we both agree you are not an exploiter, obviously ABC thinks you are." After all, this was being done on CBS. They could slap ABC's face right along with his.

The moment there was a real break in the filming and they started moving the cameras to change the angle, Schiller called Chuck Fries and Lou Rudolph. Neither of them knew anything about it. "It's right from the top," said Schiller. "Right now, CBS is interviewing me, but you guys better get prepared. Tomorrow morning they may be interviewing you, Chuck, and you, Lou." Schiller laid it in fast how they hadn't been protecting his flanks.

Moyers probably didn't hear about it that day. He certainly never brought it up. In fact, he never brought it up later. He interviewed Schiller twice after that, but never said a word. Schiller really respected him for that.

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Later that day, thinking it through, ^{Schiller} ~~he~~ decided he might be in a better position. Now, he wouldn't have to fuck with a TV show that was going to milk the real merits of the story. ABC had pulled out of their own contract, so the loss of money was their problem. He still had the rights, and could do the book and the movie. All the same, he had to learn how it happened. It was too fucking incredible. Over the phone, he found out that Frank Pierce's wife was going to Columbia School of Journalism and had come back one night full of the fact that ABC was doing the Gilmore story, and she said to her husband, "How can ABC get into this? You're dealing with history, and exploiting it." Pierce never even spoke to anybody on the West Coast, just walked in next day to the New York office and announced, "We're not doing the Gary Gilmore project." That was how the big guy did it. Of course, it might have been his secret worry that if Gilmore became a big enough circus, the FCC might get on ABC's ass. The word "circus" was being used by everybody now. That was no word to face the government with.

Schiller went back to LA and started setting up his office for the big push, interviewed ten girls and called some agencies before he hired two for typing the transcripts. ^{of the interviews} ~~They~~ They had to be hard workers. They had to be able to make the move to Provo.

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That meant single girls. They had to be able to work 20 hours a day, if necessary, and keep their mouths shut. Schiller wasn't about to hire local Provo talent, given those conditions. When he settled on the girls, Debbie and Lucinda, he arranged to have phones put in and began making as many as two trips a day between Provo and Los Angeles. With better than a week to go, he made the big move, brought the girls down to Utah, and set up the office in the Orem Travelodge motel. First thing he said to Debbie was, "I want the night phone numbers of two Xerox repairmen." When Schiller arrived, Debbie hadn't gotten the phone numbers yet, just the Xerox machine. He upbraided her and she said, "We can always call and get a repair man." Schiller said, "Debbie, I may need a guy at three in the morning for a Xerox machine. Get that number. Give him a private twenty dollar bill. If he goes out to dinner, I want to know. I want him to call us. That's the way it has to operate."

In the meantime, he was making plans for tape recorders to sneak into the prison. They had to be small enough to fit into a package of cigarettes, or the ballpoint of a pen. He didn't know whether he'd use them at the execution or not, but he wanted the tools at his fingertips. Schiller never liked being at the mercy of needing a tool and not having it. Psychologically, he told himself, he was ready to spend thousands for things he might never use in order to feel secure that he had them. That's exactly the way he was.

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Meanwhile, he was getting in deep, but deep. The last week was shaping up, no question about it, as an \$11,000 week. He was hiring off-duty policemen to be guards. He wanted Vern's house protected for the last three or four days, and he talked Mrs. Baker into moving out of her house with her kids. Then he had the office in the motel set up practically like a fort. He had to. Since ABC pulled out, NBC had their hounds running. They had staked him out like he was Mrs. Onassis and they were the paparazzi. It was frantic. NBC knew CBS had material Schiller had given Moyers. ~~He did not refuse to~~ ^{NBC} ~~Another guy might have double-crossed~~ Moyers and given ^{NBC} a couple of minutes of Gilmore ~~to NBC~~ just to get them off his back. The more he resisted, the more caustic, he knew, they would become in their commentary about him. One night at the Hilton, he actually had to call the police to have them removed from the outside door of the room he was occupying that night. Afterward, Gordon Manning, the NBC Executive Producer for special broadcasts, began to speak of him as a lizard. That was the way it worked in television. When you didn't cooperate, they called you names and did their best to squash your nuts.

All the while, he was trying to stay on top of every option. What if Gilmore did change his mind? What if the end of the story became "Gilmore Takes His Appeal." He and

Fannell
Barry discussed it. They were not sitting there with any wish for Gary to be executed. They would not gamble on his execution. They were prepared to go either way. The story with Gilmore alive would not be as obviously dramatic, but it could be equally good. You could show the slow subsidence of a man's day in the great white light of publicity. His return to the shadows. Convict slides back to oblivion. The thing was never to panic, never to try to influence history, never try to force the results, just accept them. He would be ready to realize the story potential whatever it contained. They might call him a carrion bird, but he knew from deep inside that he could live with Gilmore's life. He did not have to profit on *Gilmore's* death.

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XXIV WAITING FOR THE DAY

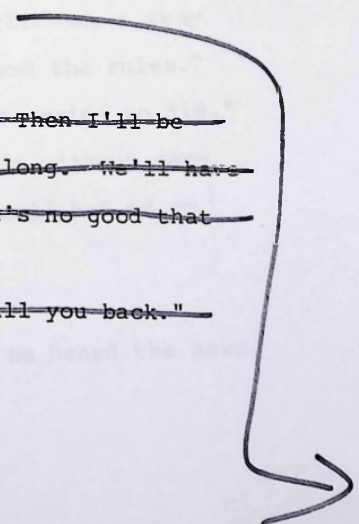
1.

~~██████~~ Brenda was having a lot of internal hemorrhaging. Going in for a checkup, she said to her doctor, "God, give me something for this pain? I can't keep going through these trials." Waitressing at La Cosa had her standing for hours while waiting on tables. There were nights when she was ready to cry from just walking around. ^{when} The doctor ^{insisted} ~~had been giving her pills, but on this day he said to her, "Brenda, it's not getting any better. These pills make your blood thinner and you'll hemorrhage even more. You've got to come into the hospital and get it taken care of."~~

~~"Not now," said Brenda.~~

~~He shook his head. "I have one opening. Then I'll be jammed for three months. You can't wait that long. We'll have to bring you out on an emergency basis, and it's no good that way. Too high a risk."~~

~~"Oh," said Brenda, "shit on you. I'll call you back."~~



~~In the meantime, Johnny talked to the doctor and made~~
~~arrangements.~~ Brenda couldn't fight ~~it~~. She was so tense from withstanding the twinges that her muscles had tightened all through her abdomen and lower belly. Thereby, she seemed to be tearing more. She said to herself at one point, "Am I trying to get out of going to the execution?" Then she said, "No, I want to be there." She had been talking to Gary on the phone, and feelings had improved. Their last conversation she had said, "Gary, I can't say anything to change your mind, I know that. I'm just hoping that you're as intelligent as you keep telling me you are, and so you will, at least, try to look at my point of view." God, he was selfish, but she had the feeling he was softening.

In fact, when Gary got word that Brenda was going to the hospital, he asked Cline Campbell to ask the Warden if she could be let in for a last visit, but Sam Smith told the chaplain, "He's had a disciplinary write-up for throwing a tray at a guard, and I can't do it. I will not bend the rules."

"Hell, Warden," said Campbell, "the man's going to die."

Sam Smith shook his head. "I can't do it without permission from Ernie Wright," he said. So Campbell had to go back and tell Gilmore.

Gary was drinking a cup of coffee when he heard the news.

In one motion the cup and coffee went flying past Campbell's head and smashed on the wall. It was not right next to his head, but it was not that far away either. Campbell blinked, but he didn't jump back. He didn't want to show fear. It had shocked and surprised him, but he didn't want to show fear. Gilmore now cursed and turned around and grabbed one hand with the other and said, "I'm sorry," and walked away. Then, while Campbell stood there, Gilmore came back in thirty seconds, and said to the guard, "Where ya been? I want to clean this mess up." The mess was gone, just like that.

~~After Brenda checked in, and they put that white mini around her that stayed open in the back, and she was safe in bed, she began to think about Gary a lot. He had been born in December and he would be killed in January and she thought back to the night when he came over to her house with April and made a joke of calling the girl January, and then, Brenda began to count how long it was since Gary was out, nine months to the day from April 9th until this day on January 9th that she was entering the hospital, and if they did execute him on the 17th, it would come to nine months and nine days from the time he first came out of prison until he met his death. By God, she thought, that is only one day away from the term of pregnancy. She hardly knew what caused it, but she started to cry.~~

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Through Moody and Stanger, Schiller heard how Gary was going back and forth about Brenda. One minute he'd love her, next hate her, then ready to write her a love letter soon as he heard she was in the hospital. It went back and forth.

2.

GILMORE: Have you ever heard of a guy named Zeke, Jinks or Pinkney, or some God damn, Dabney?

STANGER: Yea, he's the ACLU lawyer.

GILMORE: Listen to this shit. Mr. Dabney said that there's still a chance that Gilmore may flip flop and change his mind about wanting to be executed. You know that term 'flip flop', man, has a certain jail-house connotation. You guys don't know what it means, but I do. I'm pretty sure Dabney does. It means a guy who will fuck somebody in the ass and get fucked in the ass. Flip-flop. You can see what the term means. I'll read it to you, and I'd like you to release it Monday. D. Jinks Dabney of ACLU, what a phony sounding name. You said in the Salt Lake Tribune there is still a chance that Gilmore may flip-flop and change his mind about wanting to be executed. No chance, D. Jinks Dabney, no way, never. You and ACLU are the flip-flops. You take one stand on abortion, which is actually execution. You are all for that. And then you take another stand on capital punishment. You're against that. Where are your convictions, D. Jinks Dabney? Do you and ACLU know where you really stand on anything? You have simply let this thing about me develop into a personal matter. You can't take losin'. Well you've lost this one, D. Jinks Dabney. NAACP, look boy, I am a white man. Get that through your brillo pad heads, boy. I know a lot of black dudes, and I don't know any who respect the dumb niggers of NAACP. Giaunque, Amsterdam, all you other nosey publicity hunt lawyers, butt out, you punks.

✓ check

~~"I've decided on number twenty next instead of number two."~~

~~Number twenty had to have all their witnesses ready. It sounded like a bad joke, but that was the way he ran it. Number twenty had to start a trial in five minutes. It was crazy. You never knew where you had to be. You'd have to get witnesses ready four or five trials ahead of yourself. If such witnesses came from out of town, they had to be put up in motels. It was a disaster.~~

~~Of course, as a practical matter, if Ritter had 40 trials, 38 of them got settled out of court. Nobody could stand the goddamned suspense. That might be all right on private dispute, but if you were working for the government and had a criminal proceeding, and didn't have your witnesses available, Ritter simply dismissed the case. It could be a major felony, or a securities fraud, or even an indictment of people the government had been chasing for twenty years, Ritter would still dismiss. You would have to go up on appeal to get a reverse. That would usually happen, but then the government had to come back and re-arrest the parties all over again. It was a horrible waste of time. He just tortured the law.~~

By January 10, with a week to go, there were press people

going in and out of the ACLU office all day, cameras and micro-phones cocked, ready to go. One couldn't get prepared for them, they were there. Shirley Pedler felt as if she was always on. It had her up the wall that her hair had to be constantly combed. She never knew when someone was going to be pointing another lens. With all those TV cameras, her clothes had become a problem. She could no longer just wear dungarees and a T-shirt, so she decided to keep the levis, but wear a good shirt and a nice blazer. Since you were never photographed except from the waist up, that worked.

At least she got to the point where she really began to lose that awful awareness of "Hey, you're on TV. A lot of people are going to see this!" It was a relief, because she'd been going for a long time with the feeling they were going to lose, and it gave her a heavy sense of responsibility when things went wrong with the media. She was so wound up that even when she was ready to leave the office at 7 or 8 at night, she would just pace at home and smoke cigarettes. Even when something wasn't going on, she was pacing. She'd always been a smoker, but now she never quit. On a chain from morning to night.

~~One morning, Shirley and some of the attorneys were in a conference room discussing a schedule of legal operations for~~

the last week, and when she stepped out of the door into the hall, she was literally almost knocked down by press people. Didn't even have a statement. The nature of the lawyers' conference had been to determine which group could do what, but they hadn't come to any conclusions yet. Shirley started to say, "I really have nothing to say," and dropped some papers in her hand. The haste with which she stooped to pick them up got some of the press laughing, as if she was trying to conceal her plans.

~~That had been the glum conference.~~ By itself, the ACLU felt, it had no real standing. So they were trying to design a series of actions that would support those being brought by other people like ^{Richard} Giaouque, if he came in with a suit for Mikal Gilmore, or ~~Gil Atthey with the hi-fi killers.~~ The ACLU would then enter as friends of the court. Their only true shot would be a taxpayers' suit, but they would save that for the very last, since it was on the shakiest ground.

Besides, there were other good reasons for the ACLU to stay out. In the Utah community they were seen as such a radical group, that it had gotten to the point where they hurt a cause by coming into it. The thing was not to generate any more emotionalism than already existed in the situation, or the other side would make it a point of honor to lynch Gary Gilmore.

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~~All this while, Shirley couldn't get over how the press~~
~~was getting paranoid and thought the ACLU was the center of~~
~~a lot of legal action coming up, when in fact~~ ^{actually} ~~the lawyer who~~
~~would probably bring the most serious action~~ ^{was} ~~Richard Giaugue~~
~~didn't even attend the January 10 meeting.~~ He had already

let the ACLU know that Tony Amsterdam and he knew the course
they had to follow and had prepared all the papers and affa-
davits in the event that Mikal would tell them to go ahead.

They did not think anyone else would have proper legal stand-
ing. They also informed the ACLU that Mikal was arriving in

Salt Lake ~~tomorrow~~. With such slim pickings, the best idea
proposed in ^a ~~the~~ conference ^{held at ACLU headquarters on January 10} ~~was that somebody go out to the~~

hospital and try to get in to see Nicole. If she would talk

to Gary, maybe she could get him to change his mind about dying. D. Jinks

Dabney said he would give Stanger a ring.

STANGER: Jinks hinted at this. He said, 'How
much influence does Nicole have over Gary?'
I said, 'Why, what are you talking about?'
He said, 'Well, we were thinking that pos-
sibly we could get her to try to talk Gary
into fighting.'

GILMORE: (sighs) They're clutching at straws,
aren't they? (laughs)

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4.

~~Some crazy offers had started to come in. The temptations were commencing for Schiller. Before he even got settled in the command post in Orem, Sterling Lord, the literary agent was on the phone. He had heard Schiller might be one of Gilmore's five invited guests to the execution. Lord wanted to start negotiating for Jimmy Breslin. Either the Daily News or Breslin's syndicate was willing to pay for the execution seat. The offer started at \$5,000.~~

Jimmy B.

Stet

~~Schiller told him, "It's not for me to sell. I can't even swear to you, Sterling, that I'm going to be there." Lord called back and said, "I might be able to get 35 or even 50 thousand." "It's not for sale," said Schiller. Breslin called. "I'll give you a carbon of my story," he growled. That meant Breslin would have it on headline day, and Schiller could have it for the rest of his life.~~

~~Schiller *called.* Jimmy Breslin did not understand where early Schiller was really at. Of course, Breslin had to get to the bottom of every question in 20 seconds or he was in misery. Schiller discovered he had a lot of old friends these days. All of a sudden, Sterling Lord was his old friend. Jimmy Breslin was his old friend.~~ "Where should I stay?"

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Breslin said to Schiller, and Larry answered, "Well, you can be a monkey and go to the Hilton, or come out here where the action is and slum with me." Breslin took a room right next to them in the same fucking motel. ~~He had great instincts that way.~~

Farrell
Barry got upset. "Why Breslin?" he asked. "Do you need more people on the team?" "I'm sorry," said Schiller to Farrell, "I can't go in a room and do it all alone."

"While you're at it," said Farrell, "why don't you invite Johnson here from the LA Times?"

"Don't you realize," said Schiller, "if I can give these fellows a little piece of the story, at least I won't have the LA Times and the New York Daily News against me. I got to get some people on my side, you know."

Schiller, decided Barry, was playing more and more around the edges of giving pieces away. He simply did not understand that these little pieces still belonged to one beautiful and highly provisional structure being put together with much care in Farrell's mind, and were not separate bits of wampum to be traded off by Schiller for other goods or left at forest clearings to propitiate media dragons.

Farrell, therefore, should have guessed. From the time

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they moved into the seven rooms Larry had taken at the Orem Travelodge, complete with their own rented typewriters, tables, two secretaries, guards, office room, writing room for Barry, archive room, Barry's bedroom, Schiller's bedroom, each girl's room, plus direct telephone lines so they only had to use the switchboard for incoming calls and no motel employee could listen in on them, Larry had been dodging the media. Right in the middle of all that heat, with everybody trying to interview Schiller, and Schiller being careful to leak only the right stories out through Gus Sorenson and Tamera, thereby having an influence on Salt Lake news, and so able to color wire service output, right in the middle of all that hard-achieved clout, Barry walked into the main office to Xerox a page, and there was Jimmy Breslin, notebook in hand, twenty days late on the story, and nicely driven down, thank you, in a chartered Lincoln with a chauffeur. There was Schiller telling Jimmy Breslin about the eyes. The eyes.

Well, Farrell liked Jimmy. Breslin had done some nice things for him over the years. When Farrell was writing a column for Life back in '69 and '70 and got into a large dispute at one time with his editors, a make-or-break conflict, Breslin did him the favor of talking it over for an evening, and Farrell had come to the conclusion that Breslin was very smart. "You know, Barry," Jimmy had said, "journalism is real

estate." That was a phrase to stick in Farrell's mind. "Never give up your real estate," Breslin said, "fight and fuck around and make compromises, patch it up, spackle it, fix it, but don't give up the real estate." Farrell had followed his advice and thought it was right, so he had a soft spot for Jimmy Breslin.

The soft spot vanished, however, in one hot minute when he walked into the room and there was Schiller with this idiotic blissful hysterical smile on his face, rapping away to Breslin about the eyes. ~~It was like he was selling a new kind of floor polish on TV. Breslin was sitting on the couch, fat as a wild boar, taking notes two weeks later. There it was, one monument of bulk accepting tribute from the adjoining monument.~~

For weeks, trying to push those interviews uphill, Farrell felt like he had been searching in a dark room for a little black object. When the story about the eyes came through, Farrell had felt as if, finally, a little light was being revealed. Living with Gilmore's rap sheet more and more of late, going through his long prison record and his petty busts, Farrell had decided it was a miserable life which, by the measurement of its criminal accomplishment, would not rank very high on any self-respecting convict's scale. Gilmore

had been a total fuckup. He was the kind of guy to give rise to the police terminology of a germ. On human scale, no better than a weed. A gardener would pluck him out. Every understanding Gilmore had ever reached in his life had been fucked up, and yet, just yesterday, Gilmore had said something fine. Here he was coming toward the day of his death, yet with one moment, talking about his eyes, Gilmore at least obtained a little dignity on Farrell's scale.

GILMORE: I told you that this ninety-year-old man wrote and asked me for my eyes. . . ah, eh, he's too old. I mean I don't want to sound harsh about it, but this other guy is only twenty, and I think it might be better. Would you like to call this doctor and, ah, just tell him simply: . . . you got 'em! Gary Gilmore. And to draw up the papers through you guys. I'd rather, you know, kinda know who they went to, than some anonymous eye thing. This physician said that he would come out here, and, ah, he wants to use the hospital's medical facilities to remove 'em within thirty minutes, all right? I guess he'll pay his own expenses . . . I'm not inviting him as a witness. . . he'll have to get in on his own hook, you know.

MOODY: I think they'll do that for medical reasons, but we'll bring that up with the warden.

GILMORE: In his letter here, he says something about the young guy's life is just dwindling. Like the guy is really living a hopeless life. I'd rather the eyes be his than just give 'em to the Eyebank. I'd kinda like to know where they went. All right. . . call him collect. (laughing) . . . ask him if he'll accept a collect call from Gary Gilmore.

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There was something calm and wise about Gilmore's reaction. The fact that he could come up with that kind of thinking about his own eyes moved Farrell right down to the gut. The interview had come in the day before, and he had read it alone in his room. It was late at night. He had been working for a long time that day. Gilmore's voice, yes, got to him while telling about his eyes. Barry was crying and laughing and felt half triumphant, and proud that Gilmore could talk with this clarity. Farrell's own eyes were good, and he always thought of them as precious cargo. While he would sign a card willingly giving any part of his body to anybody, cock included, after he died his normal death, here was a fellow who had an execution date--imagine that, Barry said to himself after twenty hours of work, alone in a room at three in the morning--an execution date and everybody wanted a piece of him. Everybody is writing him to ask for this part of his body or that, and yet, he can think clearly. There were all those people who carried cards in their wallets that said, "If you find me dead, you can have my kidney," but then who gave a damn what happened after you were dead?

When you had to think, however, that you were going to be gone on the 17th of January, and people were coming around

now, one week before, asking for your kidneys, your liver, your spleen, why a small minded man could begin to see it all as cannibalism, would cry out, "For Christ's sakes, leave me in peace. I want my eyes."

By God, Gary was like Harry Truman, a perfect mediocrity being enlarged by history. Christ, he was even acting like the executive of a cottage industry, which happened to be the remains of Gary Gilmore. That, to Farrell, was more impressive than his ability to steer a firm course toward his execution. Until now, Farrell had never been altogether impressed by such bravery. He thought Gilmore had a total contempt for life, his life, your life, anybody's life. Waived his own life away because it had been a clever thing to do, pure pathology that came out of long years of prison, show-down shit, playing chicken with the authorities. Yet, the new celebrity, the movie star had responded humanely to the attention, had even been illuminated by the attention, and now was functioning like a decent man. Those eyes redeemed the scene. Farrell was feeling very protective about the story. Gary's words might just as well have been dug out of a mine.

So when he saw Schiller and Breslin on the couch, he went into a tantrum. Barry liked to keep his cool, but those twenty hour work sessions, day after day, night after night,

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had certainly heated him up. "What the fuck are you doing?" he said to Schiller. "You have a security guard sitting up all night in a room across the corridor to make sure nobody breaks into this office and steals our stuff. You hired a cop, Larry, but you ought to have that cop sitting on your upper lip." He was mad enough to throw a table over. "Schiller, this is a true nugget, and you're not handing it over to Breslin."

Before the fight could even develop, Jimmy took out his 2 X 4 notebook, pulled out the page he'd been writing on, tore it in little pieces, and threw them up in the air. Beautiful, thought Farrell. He was very pleased with Breslin.

5.

Farrell was glad it came down that way. He needed the eyes for himself, needed something good in the marrow about Gilmore, for there was certainly an awful lot to discover that was not so splendid. Going through early December interviews with Moody and Stanger, before Schiller even called him on the scene, Barry found enough to deplore. It was incredible how the more Gary leaned to the right in his remarks, the better became his unfortunate power to express his soul.

As, viz., the rap on blacks:

GILMORE: When you come right down to it, they don't like us, and we don't like them, and that's it. I firmly believe like that guy Shockly in California. The intelligence of black people, he says, is basically and genetically different than white people's intelligence. White people can think in the abstract, they can see a problem and they can figure out a problem and they can see all around a problem. They can learn that way. Black people learn by rote memory. You show them how to do something and they can do it. On the whole continent of Africa they never found the wheel or never invented anything more deadly than a spear, that's what I think of black people. It ain't a hatred, it's just what I feel is facts. I don't care if one guy did something with some peanuts a long time ago.

Afterward, when Moody and Stanger would talk about Gary being an intelligent man, so how could he be a racist, Farrell thought they were kind of silly. Farrell did not see racism as any major feature of Gilmore's personality so much as a pose. Gary had gathered together just enough racism to keep from being called a nigger-lover by his fellow cons.

In fact, studying Gilmore's letters, Farrell decided that Gilmore was not nearly as tough as he pretended. Much of what he said was obvious sham. Farrell began to go through each transcript with transparent colored inks to mark the character of Gilmore's replies, and got it up to twenty-seven poses.

Barry had come to live with not only racist Gary but musical Gary, that is, country and western Gary, poetic Gary, artist manque Gary, macho Gary, self-destructive Gary, that phony Texas accent Gary, and Gary the killer Irishman to mention a few. Then there was Gilmore the movie star, awfully prevalent lately, awfully shit-kicking pseudo aw-shucks.

GILMORE: Here is that other girl who writes to me: 'How's my wild pony with those wild eyes. . . I wish I could kiss you just once. I don't know, Gary, how to say goodbye to you. I try so hard to think of motivating reasons for you to live, but none can come up against prison. Gary, I'm cryin' right now on your letter, I love you, I hate the fuckin' system, I hate that they won't even let you call Nicole, the fuckers. Execution. What is this? Wild, wild West? My love is with you, Gary. I love you.' (laughing) I think she's got a case for me, eh? I got three letters from her today. A good thing for me I'm not in California. Christ, oh, ah, man, she'd wear me out.

STANGER: Is she fifteen? Holy mackerel.

GILMORE: Pretty hard to keep up with.

Then there was the old con with his jail-house wisdom:

GILMORE: After you get known as a trouble maker, it's so easy to keep gettin' in trouble, cause all them guards, man, like they put your picture on the hot list in the fuckin' guards' lounge. You know, watch this guy, suspected of doing this and that. Some guards take a personal dislike to you, man, and antagonize you in little ways that'll make you blow up, you know, in a situation where you're always wrong--and never right--

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because you're the prisoner. They got the hammer, you know?

He had a subtle self-pity that could be cloying, and a host of manipulative tales, true "tales told before," very practiced accounts. The alternation between vulgarity and wisdom intrigued and irritated Farrell. Gilmore could be creepy or he could be charming. He could speak of the mismanagement of prisons from the depths of the convict's code, severe as criminal justice itself, or he could evade questions like Mohammed Ali slipping a jab. Then Gilmore could disarm you with an unprompted confession, only to be obsessive just when you needed him to unbend. Sometimes Farrell would want to shake one of those simple shit answers in order to get into the nugget of experience it concealed. Altogether, Barry felt as if he was getting to know Gilmore pretty damn well, and he was loving the job more than he had expected, even if it was one twenty hour day after another. But what absorption! What delight to be completely out of himself. By God, he said to himself, I have all the passions of an archivist. I'm getting more and more proprietary about the material.

6.

All the same, it bothered Farrell to be this much hooked. For one thing, he often thought that if no attention had been paid to Gilmore. he might have changed his mind and

tried to avoid his execution. Now Gary was trapped in fame, and it gave him a crazy strength. Recognizing that, Farrell also had to admit that one Barry Farrell was now an integral part of the condition that was making it impossible for Gilmore to change his mind. Hardly a flattering light to cast on oneself. You could try to say, "I'm not the locomotive, I'm only one of the cars, and in my car, the best, most sensitive thinking is being done about this situation. Therefore, my moral responsibility is to stay with it. If I leave, Gilmore is abandoned to the likes of Good Morning, America."

~~Nonetheless, in the quiet hours of the morning, pondering what to ask next, Barry would recall how his piece in New West had described Larry Schiller as a carrion bird, and wondered if he was not the blackest wing in journalism. Somebody was always dying in his stories. Farrell wrote about murders, and if it wasn't Oscar Bonerone getting killed, then it was Bobby Hall, or young blond girls who got offed on highways in California. One day, clapping, and then~~ He had even acquired the reputation of being good at it. His telephone number leaped to the mind of various editors. Since he was usually broke, and half-intrigued by the latest new story, off he went. Barry Farrell, crime reporter, with an inner life exasperatingly Catholic. It was not the Jesuit law of twofold effect, which would note that if a given action has

two moral consequences, one good and one bad, you were permitted to move ahead provided the good outweighed the bad. No, he led his life out of his exigencies, financial, emotional, literary. He took the jobs his bills and his battered psyche required him to take, and they always ended somehow by presenting him with the roots of some great moral complexity. It got into his writing like a haze.

One aspect of the interviews he did not question. There was something marvelous in the energy Gilmore had to give. Indeed, Cline Campbell, dropping in at the motel, said to Farrell, "This is a godsend, this is Gary's one chance to express himself." Looking at little bits and pieces of the product, Farrell would think to himself that, yes, you could see the attempt to have a coherent philosophy in relation to some incredibly complicated matters.

INTERVIEWER: If a true and honest movie is to be made about your life, what would be its most important themes?

GILMORE: God, I don't know. That would have to be decided by somebody more professional than me.

INTERVIEWER: What message do you think they should try and deliver?

GILMORE: Well, I just think they should portray the facts and let people sort of draw their own message. . . I mean, if the message is there and they portray the story

truthfully, it'll come over. But if you try to put a particular message across, you may put the wrong message in.

INTERVIEWER: What are some of the things you could never do?

GILMORE: Oh, I couldn't snitch on anybody. I couldn't rat on anybody. I don't think I could torture anybody.

INTERVIEWER: Isn't forcing somebody to lie down on the floor and shooting him in the back of the head torture?

GILMORE: I'd say it was a very short torture.

INTERVIEWER: But how could any crime be worse than taking a person's life?

GILMORE: Well, you could alter somebody's life so that the quality of it wouldn't be what it could've been. I mean, you could torture 'em, you could blind 'em, you could maim 'em, you could cripple 'em, you could fuck 'em up so badly that their life would be a misery for the rest of it. And for me, that's worse than killing somebody. Like, if you kill somebody, it's over for them. I--I believe in karma and reincarnation and stuff like that, and if you kill somebody, it could be that you just assume their karmic debts, t-t-thrr-thereby you might be relieving them of a debt. But I think to make somebody go on living in a lessened state of existence, I think that could be worse than killing 'em.

INTERVIEWER: Now are there any other crimes that you consider worse than murder?

GILMORE: Well, Jesus, I don't know, there's all kinds of crimes, you know. . . what some governments do to their people, you know? Forms of brainwash in some countries. . . I think some forms of behavior modification, like, ah, you know, the irreversible forms, like lobotomies, and ah, you know, Prolixin--I won't

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say they're worse than murder, but man, you gotta give it some thought. . . You asked me about mind control a few minutes ago and I take a strong stand against that. You don't interfere with somebody's life. You let people meet their own fate.

STANGER: Didn't you interfere with Jensen's and, ah, Bushnell's lives?

GILMORE: Yes.

STANGER: You think you had any right to do that?

GILMORE: No. (sighs.)

MOODY: Let's talk hypothetically now. If you really believe that your soul is full of evil, and if you really wish to atone, why haven't you attempted to clear it away with some expression of remorse?

GILMORE: I just don't want to sound real mushy. I don't believe my soul is that full of evil, either.

MOODY: Do you think it's filled with any evil?

GILMORE: More evil than yours, or Ron's, or, uh, a lot of peoples'. I think I'm further from God than you are, or a lot of people, and I would like to come closer.

MOODY: Do you think expressing remorse is mushy, or do you feel that your inability to express remorse properly is the mushy thing you fear?

GILMORE: I'm afraid the newspapers would interpret it in a mushy light.

On reflection, it seemed to Farrell that Campbell might be right. With all his poses, Gary was still rising to the interview as well as Moody and Stanger allowed, indeed, so

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well on occasion that it was frustrating not to meet him.

Yet when he would ponder it, Farrell was just as glad that couldn't happen. It saved him from having to master that reportorial twinkle of the eye at which he, Farrell, had become so reassuring. Or give that manly handshake which said, "We're equals, friend, and I'm here to listen to you, buddy to buddy." Any or all of those things interviewers did to dissolve the suspiciousness of the subject. He would not have to pretend a sympathy he was never feeling, or squeeze up an obligatory empathy to grease the wheels of confession. He would not have to con the subject to give back the utmost of themselves. There would be no false brotherhood to betray. He could sit at the typewriter and compose his questions, Moody and Stanger could truck them out, the secretaries would type Gilmore's answers, and he would study them long enough to write new questions. He and Gary were safe from one another. No need to twist his face full of instant humanity in order to keep Gilmore talking. Thank God, Gilmore's life was on the line. It would be monstrous to play the man with all the reportorial technique acquired over eighteen years of being made into a particular kind of inquirer.

Even more important, he would not have to run the risk of getting to feel too friendly to Gilmore and so forget that there

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were some basic missing pieces to Gilmore that he, Barry Farrell, as a brother of Max Jensen, should not forget. Yes, it was better this way. No opportunity to convert some totally despicable actions into compassionately recorded events. Farrell realized he was just as happy communicating with Gilmore by courier. Not Mormon lawyer courier, necessarily, but courier.

7.

The tapes that Moody and Stanger were making with Gary continued to be endlessly irritating to Barry Farrell. He was beginning to develop a loathing for the lawyers. It was a demand in the first place on his nervous system to serve at the very end of electronic communication, never knowing whether the question he had pondered through his sleep would be presented properly, or if Moody, or particularly Stanger--it was now habitual--would giggle his ass off. Sometimes the question seemed to have too much of a hook for the lawyers' taste, sometimes they simply didn't comprehend the intent. Gilmore reacted best to the saltiest questions, but to Farrell's strained ears, listening at the end of a tape, the lawyers seemed awfully cautious when they were not flighty. Some of those nuns, Gilmore would confide, got pretty tough and gave us real whippings. Farrell with his own Irish Catholic

antenna was up on tiptoe for the development of that theme-- at long last, a clue! The key to every violent criminal could be looked for in the style of his childhood beatings, and Gilmore claimed his mother never touched him, and his father never bothered to. Here, at last, might be the beginning of some nitty-gritty, but Stanger said, "Oh, gee, those nuns always seemed so nice in the movies." Gilmore answered, "Yeah. In the movies." Stanger cackled.

To Farrell's ears at that moment, it was the kind of sound an old hag might make, rapping some phlegm in her adenoids. Cackle, cackle, cackle. He went wild listening to those tapes late at night in Orem, in the ice-cold middle of the winter, with those fucking assholes laughing and carrying on.

Moody and Stanger's lack of investigative interest, let alone simple intellectual curiosity was. . . Looking for the word, Farrell groaned. Sometimes he would sit down with the lawyers and go over the questions before they took off for the prison. Moody and Stanger would even seem to know what they were doing as they left. Then they would come back saying it was great, great, great, and leave the tape. He and Schiller would play it--and, oh, God. They were hopeless as

journalists. All that stuff they didn't get around to.

GILMORE: This kid come to me and asked if he could talk, and wanted to come out in the yard with me and asked if he could walk around with me. I asked him 'what's wrong' and he said this, uh, nigger was tryin' to fuck him. He was going to turn himself in, you know, into the hole, to be locked up to get away from it. He didn't know how to handle it. I told him, 'Well, listen, man, what do you want me to do?' and he says, 'I'll be your kid if you'll protect me,' you know. I says, well, I don't want a kid, I don't like punks, ya know, and I don't want you to be a punk anyway. I asked him if he was one. He said 'no' and he didn't want to be one. So I just went and got another guy and told him about it you know, and he said let's kill the motherfucker. As it turned out, we didn't kill him. Gibbs will say that it did, but it didn't. It involved a near killing. We just caught this guy comin' up the stairs and we both had pieces of pipe in our hand, you know, and we beat him half to death and drug him down to another nigger's cell, and put him on the bunk. He was unconscious. We hit him so fast and so hard. . . he was a boxer, we didn't give him no chance, and this other guy that was with me was a pretty tough dude too. And, uh, we did it during the middle of the day and most everybody was at work, and there was nobody around and only two guards in the block--one of 'em was in the fifth tier and one of 'em was in the first and one of 'em was in the third--and, uh, we was goin' to kill him but we decided not to. I mean, if we'd beat him to death too, that was okay, but we didn't. We beat him unconscious, drug him down to this other nigger's cell, propped him on the bunk, slammed the door, and left. He knew who did it, you know, and, uh, he never tried to do anything about it. He accepted it and, uh, that's the way it was.

That's the way it was. They never asked Gilmore another question on that. Farrell would have to listen to Schiller's

wounded cry dinning in his ears, "This whole situation can be lost to history." Larry's voice would go up at the end, like a child about to wail, this whole situation, wail, wail, wail, could be lost to history. The horror was that Schiller could be right. Barry felt as if he were going hysterical quite independently of Larry.

It was one time that he could have shouted in frustration that he was not there. For he would not have let Gilmore get away with that story. It was too pretty in its symmetry. Farrell would have tried to find out if Gary had ever been turned out by some black guy. Maybe as far back as reform school, maybe later, but there was something to Gary's story that left Farrell suspicious. This big, black brute who engaged Gilmore sufficiently to defend a sweet white boy--it was like a girl calling you on the phone to say, "I have a friend who's pregnant. Do you know a doctor?" Gary was walking tall in the story, but what if that little white kid had been Gary?

So there would be hours when Farrell would be seized with depression at how few were the answers they had located in the inner works of Gary Mark Gilmore, and the size of the questions that remained. How could they begin to explain things so basic, for example, as the way he had led Nicole into suicide. That was chilling. That was clammy. But did you

such depths of lover's perfidy a product of environment? Could you begin to explain it by saying that only an urban cowboy, grown up in one far western city after another, could pass through psychological machines that would stamp you out that badly? Could you really say that you had to eat the wrong foods, sleep in the wrong places, take the wrong drugs, drive the wrong cars, make the wrong turns, do all that for an awful long time before you turned into a force who did horrible things to people who loved you?

Or did you put the blame on heredity, say it was the seed of mystery in things itself that grew a Gary Gilmore? Why there were thousands of people who could stick up a motel and shoot the motel owner. Afterwards they would have about the same kind of half-stoned things to say that Gilmore had testified to. They didn't quite know, didn't quite remember, it was like a movie, no reason. A veil of water over the mind. But planning for Nicole's suicide--that, to Farrell, had an evil genius. "Little elf, how can you do this to me?" Gilmore had written in transports of jealousy, and then you'd turn the page of the letter, and at the top of the next page, as if Gilmore had just felt an absolute thunderbolt of rage, FUCK, SHIT, and PISS would be written in letters two inches high with exclamation points. The pen would trail off as if the author were dying.

Farrell got formidably suspicious of those letters when

he noticed that the mood often changed at the beginning of a new page. In effect, each page was being worked on as a separate composition. Gilmore--good old Renaissance man--wouldn't want to sully the calligraphy of a pretty page with obscenities, not if he was going to finish this pretty page with the drawing of an elf.

GILMORE: If I talk to Nicole before I'm executed, I'm not going to ask her to do any particular thing, and I may encourage her to go on living and to raise her kids. Uh, I don't want anybody else to be able to have her, though.

MOODY: You're really on the horns of a dilemma.

GILMORE: Yeah, you might say it's giving me a little pause.

MOODY: She has a pretty heavy responsibility to those kids.

GILMORE: Aw, no more responsibility than anybody has for their kids. Listen, your kids come through you but they're not really of you. Nicole knew that before I ever met her. I mean. . .everybody is an individual little soul. Those kids come through her but they are not a part of her.

MOODY: Do you think they could get along as well without her as with her?

GILMORE: I guess this sounds like a cold blooded thing, but I'm not really over concerned about them kids. They're not going to starve to death. (pause) I'm concerned about Nicole and myself.

MOODY: Might it be kinder and more loving to instruct her to forget you, get over you, and find a man for herself and her children who would give them a chance for a better life than they've had?

GILMORE: Kinder and more loving to who?

MOODY: To her and the children.

GILMORE: I'm not going to answer that.

XXV A BROTHER'S CONSCIENCE

1.

After they were turned down in December, Anthony Amsterdam called Mikal to explain that the Supreme Court was not saying the State of Utah was right, and they were wrong, but only that their request to have the case lifted immediately to the level of the Supreme Court had been refused. It was only a setback. They could still go up again. All it required was for Bessie or Mikal to file the same argument in a lower Federal Court that would start the process.

Mikal said his mother had talked to Gary on the telephone. It was only a short call, but it looked as if he had convinced her that it was not her decision to make but his, and she should not take any further steps.

Amsterdam replied that while he had a retainer from Bessie Gilmore, which gave him a general authorization to go ahead, he would not move if Bessie or Mikal said no. On the other hand, if they said nothing one way or the other, he would be inclined to take their answer as meaning yes.

Mikal told him that Bessie's decision to stay out looked final. Any new action would have to be brought by him. He also told Amsterdam that he did not know his own mind nor what conclusion he would come to. It was something to wrestle with. He thought he would have to go to Utah to decide. He confessed to Amsterdam that he hated the thought of going there. It was equal to a cross being laid on him.

They discussed the trip ahead. During his visit to Salt Lake, Mikal might have to face the fact, Amsterdam said, that the Damicos might not want him to visit his brother. Amsterdam said he did not pretend to know Damico, but from the outside, it seemed the uncle's interest could be financial. Damico had, in fact, hired two attorneys who were certainly allowing Gary to get himself killed. Damico and the attorneys, plus whoever else was

in this show, looked to have a vested interest in Gary's death, and so would be very aware of the possibility that Mikal could change Gary's mind. Mikal had to keep in mind that their attitude might not be altogether friendly. They could believe themselves full of human decency and family love, yet still offer a lack of cooperation.

Mikal got ready to go.

2.

On January 11, Richard Giauque met Mikal at the airport in Salt Lake, and drove him out to Point of the Mountain. Since Giauque's own car was being repaired, he showed up in his partner's limousine, a silver Rolls Royce, and he apologized for its gaudiness. Mikal, wrapped in the woe of going again into a prison, where he well might come to a decision that could enrage Gary, hardly noticed the Rolls Royce. He was more in a mood to be observant of Maximum Security. Once they passed the prison gate, and drove down to the Maximum gate, the building was smaller than he expected, a long, one-story rectangular yellow-stone warehouse into which he was escorted through a door from the end that faced the mountains. He felt the mountain on his back as he walked in.

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To his surprise, he was not searched. Giauque, who had, by way of Ron Stanger, made arrangements with the prison for Mikal's visit, had been told that it was going to be a ninety-minute "one time only, no physical contact" affair, but the Warden must have changed his mind for Mikal was quickly passed through two barred sliding gates and brought into a chamber about twenty feet by thirty, the visiting room for Maximum Security. Behind a control box, walled with bullet-proof glass, was a guard to control the doors and let you in, let you out. In this room, everything was painted beige, a drab beige, old and grungy and not well-kept. There were cigarette butts on the floor, and here, more than two weeks after Christmas, there was still a Christmas tree that had not been removed and kept shedding its needles in the corner, an ill-kept, dirty room.

Gary came strolling in through another sliding gate. He was wearing red, white, and blue sneakers, and the white coveralls of maximum detention. Like a juggler, he was wig-wagging a comb through his fingers. He had a big smile. Mikal had forgotten how charming Gary could be. "Well," he said to Mikal, "you're as damn skinny as ever."

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As soon as they began to speak, however, of Mikal's reasons for coming, Gary said, "I don't want the family interfering." He took ahold of Mikal's chin and stared into his eyes. "Amsterdam is out of this, I hope." Before Mikal could reply, Vern and Ida came through the visitor's door. Mikal couldn't believe it. He had been promised a private visit.

Vern and Gary were like veterans going over old capers in front of a rookie. Vern had brought along a large green T-shirt with a computerized photo of Gary on it. Below was printed: GILMORE--DEATH WISH. Mikal couldn't tell if they were serious, but they kept talking about Gary wearing one of these T-shirts on Execution Day so they could auction it off, bullet-holes and all, for the estate. "Take it to Sotheby's," said Gary, laughing. Such talk consumed a lot of time.

At the end of the visit, after Vern and Ida had left, Mikal had a moment alone with Gary. He was promptly offered a shirt.

"It wouldn't be much use to me."

"Well," said Gary, "it is too big. Maybe you can grow into it."

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Mikal couldn't keep from saying, "Do you really plan to wear one of these and sell it?"

"Do you think," said Gary, "that I have no more class than that?"

Back in Salt Lake, Mikal settled in for a long talk with Richard Giaque. Like Amsterdam, this lawyer was confident, lucid, intelligent, and seemed very concerned about the issues.

As Giaque presented it to Mikal, Gary was being used by many people. The new Attorney General, Bob Hansen, had been elected after going all out for capital punishment, and being against abortion, pornography, and drugs. He and a great many other conservatives wanted therefore to use Gary's readiness to die for their own political ends. While, eventually, Giaque allowed, this so-called right to die, this right to commit suicide, might have to be supported by people like himself, at least if one was for the self-determination of individuals as well as for peoples and nations, nonetheless the circumstances prevailing here, Gary had been taken over by so many people that, in Giaque's opinion, this outweighed his right to self-determination. One's personal rights couldn't extend so far that they affected the very fabric of society. To

recognize one man's right to die could have at this moment a deadly effect on four to five hundred lives in death row. Here, for example, in Utah, public opinion was running 85 to 90% in favor of capital punishment already. "Gary Gilmore is providing a marvelous means for Hansen to make a lot of people happy. My God, here is your brother attempting to express his own personal desire to die and he's walking right into the hands of every gang that's looking to join a posse."

Mikal spoke of his dilemma. Any attempt to save Gary's life by legal methods might only result in a final and successful suicide attempt. On the other hand, he certainly detested capital punishment.

Giauque nodded. They could agree. One did not wish to condone capital punishment. It was always dangerous to assume that the authorities had sufficient righteousness on their side to take a life. In the practice of law, Giauque said, you got a little suspicious about absolutes, particularly the power of the state. Too many smug people sat in powerful seats. It was the modesty of the state one wished to support, not its arrogance.

Nonetheless, the real question to Mikal was still whether both sides did not wish to use Gary. Giauque had

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not said it, maybe--to do the man justice--he had not even thought it, but the logical conclusion you could take from his remarks was that people opposed to capital punishment would work to stop that execution, even if it brought on Gary's suicide. That way, at least, the State would be deprived of its body. Mikal did not know how to think this through. He recognized that he would have to stay in Salt Lake a couple of days more, and see if he could visit Gary again.

Later, he called Vern to find out if Moody and Stanger were available and learned that they could not get together with him that night, but that Schiller was flying in from Los Angeles and willing to talk, wanted to.

3.

Larry didn't get to the hotel until midnight. There, in the lobby of the Hilton, a young fellow, somewhat taller than average height, came over and introduced himself, and Schiller was surprised because this young brother had long hair and was somewhat delicate and looked like an intellectual. He was wearing slacks and a sweater and had a small pliable plastic briefcase under his arm. Schiller suggested they go up to his room to talk, but Mikal Gilmore was ready to

talk right there in the middle of the hotel, which kind of surprised Larry. After they sat down, one of the first things Mikal said was, "I have a lot of questions I want to ask," and he took out a piece of paper and started taking notes even as Schiller embarked on the ten minute version of the speech. Before it was over, however, something in the note-taking made Larry uneasy, and he joked and said, "With all the stuff you're taking down, you might have a book." It was only weeks later that Schiller found out Mikal was indeed writing an article for Rolling Stone.

As they spoke, even though he could see a family resemblance, Schiller found it very hard to believe that Mikal was, in fact, related to Gary. He had a very soft voice, a very calm young man with thin hands, and very pleasant, considering the intensity of the situation, and he sat most properly in his place, not leaning back or putting his feet up, but forever taking papers out of his briefcase, then replacing them after consulting various notes. He seemed very academic to Schiller. If not for the long hair he would have looked like a thin scholarly Mormon, one of the more prissy BYU kids.

It was only when Mikal began to talk about himself, that Schiller came to realize that this kid brother was

having to decide whether to sign those papers and go ahead with Amsterdam and Giauque, and that was very heavy shit. While Mikal wasn't in tears, it was obvious he was feeling pretty shaky.

Then, out of the blue, no preparation, zap! like Gary Gilmore, Mikal asked Schiller: Would he rather see Gary dead, or rather see him alive? There it was, the key question. Was he, Schiller, motivating Gary to be executed? Schiller said, "I refuse to answer that." He looked Mikal in the eye and said, "I'm here to record history, not to make it." Mikal took down this answer in writing, and asked more questions. He was not really a very sharp nor persistent questioner, Larry decided. To the contrary, he was timid. He just accepted Schiller's answers, did not persist, did not pursue, did not challenge. Just wrote it down, and then looked at the page as if studying his own handwriting. It was late at night and Schiller was awfully tired. He had flown to LA that day and come back from LA, and now he was wondering uneasily why Mikal wanted to see him rather than Vern or Ida or anyone else. "Do you intend to talk to the Damicos?" he asked. "I'm here," Mikal said, "to talk to Gary, and to make the decision." There was, Schiller decided, no feeling of warmth in the man, or

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rapport. It was a cold meeting. "Why are you taking notes?" Schiller asked at last.

Mikal replied "So I can analyze what you're saying."

After the conversation ran down, they made plans on how to contact one another again if necessary and agreed they would keep everything they had said in secret. Next morning, however, Schiller told Vern about the meeting. It never occurred to him there was something wrong to that. After all, Vern had made the arrangements. It proved, however, from Schiller's point of view, to be a bit of a mistake.

Deseret News

Salt Lake, Jan. 12--Utah Atty. Gen. Robert B. Hansen today received a letter from Salt Lake City attorney Judith Wolbach asking him to take action to stay the execution. Ms. Wolbach said she had talked with well-known lawyer Melvin Belli who estimates Gilmore's relatives could file claims for a wrongful death action. The family could ask \$1 million in general damages and \$1.5 million in punitive damages, against state officers.

In New Orleans Belli said he was ready to handle any damage suits for the murderer's family if Gilmore is executed and the U.S. Supreme Court later rules unconstitutional the State's death penalty statute. . .

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Deseret News

Court Rejects Try

Salt Lake, Jan. 12--Tribune publisher John Gallivan and attorney Donald Holbrook argued that the news media have a constitutionally protected right to cover the execution. . .

Earl F. Dorius, assistant Utah Attorney General, summed up the state's position on barring newsmen by saying a supreme court decision held that the press has no more right to witness the execution than the general public.

4.

Barry Golson from Playboy came in next day. Although he had not yet signed, Schiller had already ^{received} ~~signed~~ the first payment which was close to \$12,000. First order of business with Golson, therefore, was to work out the last details of the contract. Golson didn't recognize that Schiller meant it in December when he said Playboy would be buying and getting a complete and finished interview. Golson had never been in that position before. His job at Playboy was to pull copy together out of the slop most people they interviewed ^{go to} them. So, naturally, he wanted to

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go over Farrell's stuff. For that matter, he had never heard of Barry Farrell. He was expecting raw material out of non-creative people that he would have to shape. On top of that, he saw Jimmy Breslin around the office. What was Schiller doing, giving away Playboy's material?

Golson said, "How can you do a creative job? You've got business going on here, phone calls, harrassments. We didn't bargain for this."

"You've got to get out of the office," Schiller said. "I don't need you. A man is going to be dying in a few days. Get the hell out of here, Golson." Pure friction all the way with Golson.

Then there was the problem of getting good, decent photographs of Gary. In December and early January, a few had been taken through the window in the booth of Gary on the telephone, but they weren't really good. Schiller started to train Stanger. "Get Gary to stand in such a way that he's himself. Don't hold the camera too high or too low. It's a wide-angled lens. Just have Gilmore stand with his hands in his pockets, simple, unaffected stances. On the other hand, if Gilmore starts to make a face, take a picture of him making a face. I want to see how this man looks and acts in the last hours before his execution, okay?" Schiller wanted a great photograph. How to get it out of a lawyer who knew nothing about taking pictures or using a Minox, assuming

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they could even smuggle that one tiny camera into the prison? God, he didn't want the Minox, wide-angled lens poked up Gilmore's nostrils. Just the plainest picture, no editorializing. If Stanger didn't remember to keep that wide-angle neither too high nor too low, it would be hell with distortion. Then Schiller remembered that the Minox had no range finder. He would have to set the distance in advance, and instruct Stanger to obey it. Anybody who knew photography could walk in and do the shot in five seconds, but Stanger didn't.

Then Larry had a terrible fight with Stephie on the phone. A big fucking fight. She was definitely staying in New York, she wouldn't come out to Utah, she wouldn't even come to L.A. It was awful.

Then, Moody and Stanger started to blackmail him. At least Schiller saw it that way. They came to the motel and told him they wanted a better piece of the action,
~~_____~~
~~_____~~. In effect, they wanted Schiller to buy their story, the way he'd bought Vern Damico's story. Otherwise, they wouldn't go to see Gary anymore.

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Schiller did his best to reduce them. All I have to do, he said, is tell Gary what you're trying to pull, and he wondered if he was right. "I'm just going to send," said Schiller, "a fucking telegram." When he saw they weren't the least bit frightened, he took another line.

"Look," he said, "you're falling prey to what every attorney falls prey to that I've had experience with." He laid in a little about the Mormons. "Come down off the fucking wall," he said, "and get in the gutter with the rest of us sinners. You're holier than thou, until it comes to money." He remembered something Boaz had told him and said, "You people have two angels, Mormon and Moroni, and when you put them together, they spell More Money!" Finally, Schiller simply refused to write ~~the~~ any change in the contract. Said he would never write it unless Vern was in the room since Damico was the man who represented Gary. "If Vern comes to me," Schiller said, "I'll rewrite the contract." It was a peculiar fight, because actually, it wasn't any big money out of Schiller's pocket, so it was really more a clash of personalities. They were definitely getting on each other's nerves.

Maybe he had been scolding them for the poor quality of the interviews too many times. They were now telling him that they were getting the interviews. "Without us," they said, "you couldn't go near," and he replied, "Anybody could do what you're doing. I could train Vern just like I trained you." At one point, they even hinted that they might interview Gary Gilmore and sell it to somebody else. Schiller said, "You don't have the legal right. I'll take out a fucking injunction on you." "I'll do my own tape," ~~STANLEY~~ STANLEY said. It was a fight to clear the air. They weren't ready to go the distance with each other.

In the night, after dinner, Ian Calder of the National Enquirer called up from Miami, to say that he had an idea that might be worth six figures. "Get Gary," said Ian Calder, "to agree to submit two personal possessions of his, small objects, anything you want, doesn't matter what it is, two objects that are at present in his possession, and let Gary write 25 words, whatever they are. We'll take those words and his secret personal objects and have a bonded messenger pick them up and put them in a vault. When Gary dies, we will tell our worldwide network of seers and clairvoyants to key in on the exact moment of Gary's death. Then we'll see how close they come to guessing what those two objects are, what the words in

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Gary's message might be." Schiller said into the phone,
"Ian, how deep into six figures are we talking?"

"If it works, Larry," said Caulder, "I mean, it's
a hundred thousand idea. That's what I'm talking about.
A hundred thousand dollars if it comes off."

Larry said, "What if nobody comes close with their
guess?"

Ian said, "Well, of course, then it would be worth
much less."

Schiller said, "Good night," and hung up.

5.

Over in the left hand corner of the visiting room
at Max was a booth with three seats, three phones, and
three small glass windows. When Mikal went to visit Gary,
next day, he could see Moody and Stanger in that cubicle
talking to Gary on the other side. There was a glimpse
of his brother through one window, with two phones to his
ear, the voice of Moody in one receiver, Stanger in the
other. No one of the three was aware, however, that Mikal
was in the room. He could, of course, have gone over and
sat down and picked up the last phone. Gary could have
done a juggling act. Instead, Mikal sat in another corner
of the visiting room and listened to Moody and Stanger who

were still unaware that the new arrival in the room, not twenty feet back of them, was their client's brother. So Mikal heard Moody say, "Schiller met with him last night. He thinks Mikal is going to stop the execution." Then Moody added, "Did you know that Giaque brought him out in a Rolls Royce?"

As he got up to leave, the lawyer must have taken a good look, for he seemed startled, and Mikal heard him asking one of the guards about the visitor. Then there was a wait. Mikal had the leisure to think about that Rolls Royce. It appeared to be a factor.

Gary came into the visitors room wearing a black sleeveless sweat shirt. He was twirling a Scotsman's cap on his finger. He had a half-cooked smile on his face.

"Gary, I don't want to play games," Mikal said. "It's true what your lawyers said. I may seek a stay."

Gary's face took on the implacable expression of his newspaper photos. "Is it also true," he asked, "that Giaque brought you out here in a Rolls yesterday?"

Mikal saw the way it looked to Gary. Those wealthy liberals who never gave a damn about him in other years,

were gathering their wealth and their power now to frustrate him. "It's not important," Mikal tried to say. The Rollis Royce was not what he was here to talk about.

They fought about Amsterdam and Giaugue. "What do you think they are?" asked Gary, "holy men? They're trying to use you."

"Just recognize," said Mikal, "that I can take action independently of them. That could still result in a commutation of your sentence. They wouldn't be doing it, I would."

"Could you really?" asked Gary.

"I believe I could."

Gary got up and paced around in his booth. "Look," he said, "I've spent too much time in jail. I don't have anything left in me."

A guard's voice came into the room. "Time's up."

"Come back," said Gary, "and talk to me tomorrow."

Even as Mikal was passing through the door, Gary called out. "Where were you, years ago, when I needed you?"

The words echoed. All the way back to Salt Lake, Mikal kept hearing, "Where were you when I needed you?" He had been ready to sign the papers for Giaugue, but now he did not know if it was his choice or Gary's. He kept hearing

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his brother say, "I don't have anything left in me." Mikal wanted to disappear into a place where choices did not exist. After a bad night, he decided to write a letter, and hand it to Gary.

Mikal wrote that he would have to tell Gary what he thought in this manner. When he was face to face with his older brother's anger, he could never remember what he wanted to say. He told Gary that he had always been frightened of him. It was only in their last two short meetings that he had come to realize that, in fact, he loved him. Whatever choice he would make would come from love. If Gary chose to live, he hoped they could take down the barriers. He ended by speaking of his belief that one's best chance for redemption was found through the choice of life over death. It was in life that one found redemption, not death.

That afternoon at the prison, a guard read Mikal's letter, passed on it, and delivered it to Gary who looked it over quietly on the other side of the glass.

As Gary studied the pages, he began to cry. It was just a tear or two, and he wiped an eye with a finger and smiled. "Well put," he said over the phone. Then he

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asked Mikal, "Are you familiar with Nietzsche? He wrote that a time comes when a man should rise to meet the occasion. That's what I'm trying to do, Mikal."

They sat there. Gary added, "Look, kid, I was thinking about what I said to you yesterday. That was unfair. I wasn't around much when you were a kid. So get it straight. I don't hate you. Maybe I've been acting that way but I know you're my brother and I know what that means."

It was as if Gary's hand had been laid subtly on his heart, was manipulating him here, softening him there. Mikal forced himself to say, "What would you do if I tried to stop this?"

"Oh, you could have my sentence commuted," Gary said, "but you wouldn't have to live that sentence. You wouldn't have to be around when I killed myself." Now Mikal could see a fear in Gary's eyes as he spoke of prison. "You have to be very strong year after year to keep yourself together in prison," Gary said. Mikal could hear again what he had murmured yesterday. "I don't have anything left to me." Yes, his fear of prison must now be greater than his fear of execution. "Death won't be frightening," Gary said, "I've been there before."

Mikal was beginning to wonder if his desire to sign Giaque's papers was so that he could return home feeling he had made the right moral choice. It was clear to him now that he would not have to bear the weight of such a decision. Gary would, Gary with his fear of prison showing in his eyes.

Maybe Mikal's uncertainty was also evident for Gary said, "Ah, kid, don't you see, the law has always tried to break me. Now that I don't care, now that I really want to be gone, all they can think about is how to save me."

Mikal was ready to concede it then. Still, there was one possibility to be played. On his first day in Salt Lake he had met Bill Moyers and had been spending hours with him ever since. Moyers was one of the wisest and most compassionate men he had ever met, and Moyers had said, "If we are confronted with a choice between life and death, and we choose anything short of life, we're choosing short of humanity." Gary might listen to such an idea. It was so clear-cut. Gary liked ideas to be as clear-cut as logical propositions. Mikal did not really think it would make a

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difference. Yet before he left, he asked Gary to meet with Bill Moyers. "It's not for an interview. Just for a meeting."

"I'll do it," said Gary, "but it's got to be off the record. We can't forget my deal with Larry Schiller."

XXVI CUTTING THE STRING

1.janvier 13jeudiBon maten mon Soul Mateje Love vous. Oh! Je Love vous!et avoir besoin de vous tant!

This morn i have only a few minutes to write as my
lawyer should be here soon.

i have been having fun with an old french book. It is
a beautiful language. i would like to learn it maby even
live in France one day.

Away from here--oh well. . .

Sundberg informed me that all of the doctors involved
in this mess i am in are planning already to recommend that
i be released on January 22 (1977 hopefully)

These long days are truly drawing nearer to your execution date. i find that reality hard to grasp onto.

Not so much that soon you will die but that i cannot be with you now while it is so near to that time. Why should it be so? There must be logic behind my destiny but i cannot see even a partical of it.

And Probably this may be the last letter i may write you.

So i will make it that

There are no longer words that can express the Love that is in my soul and my heart for you mon Soul Mate

You have all my love. i believe that you know

And i know i have yours

if you die. . .so soon. . .i will know and feel your soul wrap around my thots and this soul who loves you so deeply.

if you do not. . .i will see you again even if it be only once more while we live this life.

Darlin i love you forever.

i will wear a ribbon. But mabe not yellow

i have no locket with your name on it yet. But your name and your love are forever locked in my heart and soul.

Goodbye now my love

Till then and forever

No matter where i walk

ill walk alone

Till again im by your side

I Love you

Ever Yours

Nicole

2.

Barry Farrell usually believed your chances of finding an answer were improved if the question was impeccably raised. Why-did-Gilmore-kill had to be the epitome of vulgar inquiry, yet he might be getting ready to ask it. Maybe the sum of acquired knowledge was no more than your collateral acquisitions, and the mind could live on the spin-off. If so, one might as well push toward the mystery itself: Why did Gilmore kill?

Farrell talked it over with Larry and they agreed. Gilmore lived behind a psychic wall. Whatever he told you was sent out through the gates. If they were going to learn any more, they would have to try to make a breach in the wall. So Farrell sat down and framed a set of questions that would be critical of Gary's poses, and cutting to the man's idea of himself. They handed them to Moody and

Stanger with a set of instructions. Gilmore was to read these questions aloud to the lawyers, and then answer himself. They did not want the lawyers tranquilizing the scene.

Over the phone in Maximum Visitor's, Ron Stanger said, "Our friend is thinking he would like to have some serious answers. Quote, unquote."

"I've been playing serious all along," said Gilmore.

"As serious as I've been playing anything."

"Okay," said Moody.

not

Gilmore began to read into the phone: "It seems to me now that in your situation with your sense of fate and destiny and karma, that this conversation we're struggling to have is really an important event in your life as well as mine."

"Thanks for that, Larry," said Gilmore to the introduction.

"I think," he continued, "we both owe it to the importance of the situation to try hard to replace superficial speculative interpretations with deeper harder ones."

"Right," he said, answering his own reading voice.

"Sometimes you sound like you're telling a story you've told many times before," went the next question. "My reaction is -- oh, Gary, you tell that to all the girls, or

all the shrinks, or all the people who see something of interest in you and want to know you better. A number of stories told in the course of these interviews are stories that you also told Nicole in your letters oft accompanied by, let us say, sweetheart touches, little indications that you wanted to charm the reader, the lover, the observer in a very practiced, calculating way. That's my honest reaction. Tell me where I might be wrong."

"You wrong, Larry," said Gary.

Then Gilmore laughed. "Shit, ain't nothin calculating about that. I get lonely. I like language, but I tell the truth. In jail you rap alot, you know, to pass the time. Damn near every convict has his little collection of reminiscences, anecdotes, stories and a person can get sorta practiced at recollecting. You probably got a few yarns you spin on occasion yourself. You know, you gotta go to dinners and different things and, ah, talk to different people, Larry, so you've probably got your favorite little stories yourself. The fact that you tell something more than once to more than one person doesn't make that thing a lie. It doesn't make it calculating either. I know I speak well. I'm not just a collection of stories. Try me on any subject. If I don't know, I'll say I don't know. If I do know, I will tell you in a way that I think is clear, a way that

entertains, amuses me as well I hope as you. That is if I deign to answer." Gilmore paused. "Larry, perhaps I'm a little flattered by being asked these questions. Maybe I do try to entertain or charm but I think it's somewhat due to the lack of communication, this limited communication. You get a slightly slanted picture. I mean it's different talkin' to somebody in person than it is thru tapes and things. I mean like talkin' to somebody over a phone is different than talkin' to somebody in person. I do emphasize things. One reason, I learned to do this, let's say is because I've spent a lot of time in the hole and in the hole you can't see the guy you're talkin to, cause he's in the cell next door or down the line from you. So, it just becomes necessary to kind of ah. . .emphasize to make yourself clear and heard because there might be other conversations going on and a lot of other noise, guards rattling keys and doors and things like that. Think about that, you know."

"I am not so sure," said the question, "that you remember the truth of your early childhood."

In a different voice Gilmore answered, "Do you remember the truth of your early childhood, Larry?"

"You've said," continued the question, "that your mother's love was always strong, constant, and consistent,

strange adjectives, by the way, to describe a mother's love."

"I don't think," said Gilmore, "they're strange. I don't respect your question."

"I don't think," the question came back, "that I've ever heard 'strong, constant, and consistent' employed in such usage before."

"You probably haven't," answered Gilmore, "but have you ever asked anybody about their mother before?"

"My impression, Gary, based on talking to others in your family, and based on listening to your voice on these tapes--is that you may have been treated rather cruelly when you were a small child. There are people in the family who say that efforts were made by your grandparents to assume custody of you. That you came at an awkward moment in your mother's life and that she seemed to resent you, when you were small. Is there any truth to any of this?"

"Not that I know of, Larry," Gilmore replied.

"What kind of son is it, after all," continued the question, "who does these things you do, and in so doing takes a very beautiful revenge against all those who have failed to love him enough. Maybe that's psychoanalytical bullshit, and if so, I stand accused, but I am yearning

to understand how this well-loved young boy grew up to reward his mama with the life you've lived. I think, Gary, that you have been exacting revenge against something that happened to you when you were too small to fight it off. Another reason I am tempted to believe this, is that when the conversation turns to any question where emotion is involved, a trace of a stutter appears in your voice."

"Dat, dat, dat, dat," Gilmore snickered.

"You begin," the question continued, "talking like a reformed stutterer. I don't think you're a man without feelings. I think you're a man who somehow can't bear to admit what his feelings are."

There was quite a pause before Gilmore replied. "Larry, I swear to God that I cannot recall, and I have a terrific memory, my Mom ever hitting me. I don't think she ever even so much as spanked me. She always loved and believed in me. Fuck what everybody in the family says. I have a beautiful mother. Fuck what everybody in the family says. I have a beautiful mother. I repeated that because of the background noise. I don't know if you can hear it on the tape, but I can."

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Gary stopped reading for a moment. "Some feelings are personal," he said to Moody. "Christ, the guy wants to x-ray me publicly. Shit."

Moody said, "I think he's just trying to find out the facts."

"Dammit," said Gilmore, "Larry's probably trying to bring me a bit of anger here, so I might answer a little more spontaneously."

He went on with the interview, he read the rest of the questions, but nothing further developed. Gilmore did not get excited again. Barry felt as if he had thrown his best punch and the man had taken it. When all was said--considering what they had been saying!--he had hardly blinked his karmic eye. Maybe the mother was not the sore spot.

Barry gave up all expectation of a breakthrough. The Playboy interview would have to be constructed out of materials already collected plus whatever was yet to come in on the Moody-Stanger local.

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3.

In the morning, Moody and Stanger had listened to Gary read ^{Schultz's} Farrell's question and give his answers. In the afternoon, they had a conversation about a last-minute appeal. Smith was worried that if Gary should change his mind at the last minute no mechanism existed for the Warden to stop the execution. He thought the lawyers ought to tell that to Gary so that if he had any thought of asking for an appeal he would know it was not safe to wait till the last minute.

That was not something Gary cared to discuss. "There are no precautions to take," he told the lawyers. He wouldn't even authorize another conversation with the warden about it. The lawyers decided it was highly unlikely that Gary was going to change his mind at the last moment. If he did, they didn't see how Sam Smith could avoid contacting the Governor, no matter what he said.

Sam Smith also consulted Dorius on whether Gilmore should be hooded. Gilmore wanted, he said, to be able to stand up and face his executioners. However, Sam Smith

remarked, he had to think of what was best for the executioners. The hood, after all, was for their benefit just as much as for the man to be executed. Who wanted to stare down the sights at a man who was staring back and then press that trigger? Besides, Smith said, he didn't want Gilmore standing. What if the fellow lost his nerve at the last minute and started dodging bullets? The question, therefore, was: Did he have to yield to Gilmore's requests?

Dorius said that by his reading of the statute, the method of execution was totally up to the discretion of the warden. Gilmore could be shot while strapped in a chair with a hood over his head.

GILMORE: Warden didn't come right out and say it, but I believe he is concerned that my standing and looking at the firing squad will unnerve them. I asked him for a good reason why I had to wear the hood, and he couldn't give me one, but he seemed to be thinking about something. Listen, he did say right in front of Fagan, he said, usually they come to your cell, put the hood on you there, and you wear the hood from the time you leave your cell til you're dead. He said he would not do that to me, he said he wouldn't put the hood on me until after I'm in the chair. Now I want the son of a bitch to keep his word on that at least.

Gilmore was certainly showing them how cool he could be. The only newspaper story that had truly irritated him lately was the one that described him as nervous. If Gary was anything, he was not nervous. Moody would query him all the time. "Aren't you scared?" he would ask. "No, I'm not scared," Gilmore would say. Never once would he admit that death was a fear. Never once was there anything to suggest he wanted to change his mind. His lack of wavering became a little unbelievable to Moody. It was a phenomenon that anyone could remain so strong. Gilmore seemed to be backing his intentions with every cell in his body. It was not only his emotional strength that was increasing, but his physical. "How do you feel physically?" Bob Moody would ask, "did you sleep?" "Sure I slept good last night." "How's exercise?" "I'm building myself."

To demonstrate, Gilmore would put his hands on a little stool and stand on his head, supporting himself only by his arms. Then he would lower his head onto the stool and balance upside-down with his hands out. For a man who always had headaches, it impressed Moody as quite a feat. His muscle tone, which even for a convict --these convicts in maximum detention seemed to live for nothing but their

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muscle tone--was still excellent when compared to the super muscle tone of the prisoners around him. Moody was a man who never thought of himself as being easy to shake, but Gilmore was beginning to impress him.

4.

With the execution scheduled for sunrise on Monday, January 17th, Schiller was beginning to feel the final pressure by Thursday. Rupert Murdoch had been calling him personally from New York to offer incredible sums of money for an exclusive. It actually got up to \$105,000. All Schiller had to do was walk out to the press after the execution, make a short public statement, and then go into a room with one of Murdoch's reporters. Schiller realized he couldn't just say no to Rupert Murdoch, since then the publisher would try to get into the execution room some other way. He might find a way to bring pressure on the Warden, or go out and buy some guard. Rupert Murdoch hadn't gotten control of the New York Post and the Village Voice and made a fortune in Australian newspapers for nothing. So, Schiller laid out a battle plan that included stringing Murdoch along. In fact, anybody who approached in the next couple of days was going to be put on the string. Schiller felt

the moment he turned somebody loose, they would go some place else.

What with all this hand-holding over the phone, Barry Farrell looked like he might be going a little out of his fucking mind. Larry tried to let him in on it, but Farrell couldn't comprehend, just could not comprehend. Schiller could feel him listening to conversations with Murdoch. There, on the other end of the wire, was Murdoch, pleasant, contemporary, able to get to the point. Murdoch knew what Schiller was selling him. Rupert Murdoch knew how to discuss figures and variables, how to lay something off here, and how circulation ought to rise 11% there, so he could up the offer this many thousand more on such terms. Schiller could also talk on that level. He liked moving from a Gilmore to a Murdoch. He just wished he was as good at any one of those things as the people he was dealing with. Still, his pride was that he could function faster in a crisis. So, he had Rupert Murdoch calling him, had the Enquirer calling again, about all that occult shit. Inside, it was revolting Schiller to talk to them. Then, some other Englishman called up, said to Schiller, "We want you to walk the last mile." Larry replied, "I am not Edward G. Robinson." "You mean to say," said this British fellow,

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talking in something between Cockney and Oxford don, "that somebody's not going to walk the last mile with him?"

"The guy is going to be executed," Schiller screamed. "I'm not walking any last mile to write a story about it. I don't even know if I want the fucking guy to be executed." He was screaming at these people, yet he had to make friends before he hung up. Barry would watch. Schiller would cup a hand over the receiver and smile at him and say, "I have to leave the doors open, and keep offering them something, keep them moving in circles because the moment I cut the string, boy are they going to be mad at me." Yes, thought Farrell, a great conspirator--shows you the fact of why he is lying, brings you in on how he does everything with a motive. God, he's always got a good reason. It's never that he's drunk or horny.

Then, a great little interview, a short one, was brought in by Moody on Gary's feelings of having the hood on, and his own account of talking to the Warden about that. It could be built to 1500 words for the newspapers, topical, interesting as hell, yet not giving away any of the vitals of the story. Schiller decided to release that to a few chosen reporters for nothing.

Barry and he almost came to fists. "Don't you fucking tell me how to run this," he said to Farrell, "I'm really

using my head," and they had the argument right there in front of the girls who were typing the transcripts. In the middle of it, Tamara comes in and she was crying her head off. Larry had bought her a still camera and she had lost it, running an errand for him. What did he have to do now but send somebody else out to buy another fucking \$250, \$300 camera.

And now for the last couple of days, the world press was coming in, by God, flocking over Salt Lake as if it were the scene of a heavyweight championship fight. Now, he didn't have to worry about 20 guys that Tamara Smith might be able to give him a little inside info on, all local reporters. Now, he had 300 guys to deal with, each wanting a lock of Gary's hair or a fingernail cutting. Plus, the execution itself. He had to make some moves. He called ~~of the~~ **NEWSPAPER NAME TK** Gus Sorensen and that brought Barry Farrell down on him again. "Why are you bringing Sorensen in?" Schiller said, "I got to deliver a message to the Warden. I want to make sure the Warden realizes that I ain't going to fuck him if I get invited to the execution. The Warden is the only one who can stop me, okay? The law says he can't, but he can, so I got to deliver a message that if I'm invited, I'm going to conduct myself his way."

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Gus Sorensen came over on the 13th, Thursday afternoon, and Larry gave him an interview designed to show that he saw his responsibilities and his obligations and closed it by giving Sorensen some careful phrases that were likely to get into the paper as something like: "Schiller said that he intends to abide by the rules of the prison, and has no intention of trying to sneak a camera in." He wouldn't. There would be others on his side sneaking a camera in. Meanwhile, he flew Lucinda to San Francisco on a special trip to pay a guy \$1500 for a special type of tape recorder that could fit inside the collar of a fountain pen, wanted it with him just in case.

Going around with Larry and watching him work, Tamara was really kind of amazed. She had never seen that much money flowing around so easily before. That was a whole new thing to her.

One thing stood out in her mind. Larry met a friend of hers, Randy Sloat, Student Body President of BYU, and Larry must have been really impressed with him, because when they needed somebody to go to Las Vegas to pick up a special tape recorder you could fit into a cigarette

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pack, Randy's name was mentioned, and Schiller said, "Have him go." Tamara thought it was not every day someone said, "Look, I have a little errand for you. Go to Las Vegas." Then he handed Randy a ticket just like that, and \$200 worth of cab money. Cool. Neat.

Stephanie's team only made three or four sales in Europe. Didn't do as well as Schiller expected. A couple of the magazines agreed to buy, then decided not to. In France, which Schiller had been counting on for a big sale, there was a local murder that took the headlines away from Gilmore. After Schiller paid off the cost of the trip for Stephanie and the two mothers, which came to ten grand, and so consumed half the profits of the European venture, he had, with payments from Playboy and the Enquirer, a present net of \$80,000, enough to operate after the execution. Stephanie, however, had now stopped in New York. She had enjoyed going to Paris and staying at the George Cinq, but she had also hated being a business woman, and now she wanted to remain at the Plaza for awhile, and most definitely not come out for the execution.

5.

Near midnight, Moyers phoned to say he had a way of getting in to see Gilmore. He wanted Schiller to know that.

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He was playing it straight with Larry. Then Moyers said, "I may break your exclusive."

"No," said Schiller, "no way."

"Well, Larry," said Moyers, "Gilmore is willing to see me."

"That's a fucking lie, Bill," Schiller said.

He called Moody and Stanger and said, "You get to Gilmore and you tell him that Bill Moyers claims he's getting in." Schiller didn't know. He wasn't sure. Maybe Mikal was doing it. He didn't like any of it. Just today he had learned that Mikal had met Moyers the day of their own meeting at midnight in the Hilton, and Mikal had spent a lot of time with Moyers, but never mentioned his name, just kept speaking vaguely of a friend he wished to consult.

Larry called Moyers back, and started calmly in the conversation, but when they got to the place where Moyers still said he would be seeing Gary Gilmore on his own, Schiller blew. "Bill," he said, "you're double-crossing me. I've been helping you. I've been going along on the assumption you're playing ball with me, and behind my own fucking back, you're trying to get in there through Mikal. That's not the guy I had dinner with." Schiller was putting all his strength right into the mouthpiece of that phone. "You're using a brother to get in," he said to Moyers. "I

wouldn't use Mikal to do that. Why the guy is coming to try to save his brother's life. He has to make that decision, and you're now befriending him and getting into a relation with him, just to get in to see Gary Gilmore." Right over the phone, Schiller could feel Moyers come roaring back, "You have no idea," said Moyers, "what I'm going through over Gary Gilmore's death. You think I want the guy to die?" Then he said, "Do you realize what I've been doing with Mikal? I've been trying to encourage him to think the thing out. I've sat with Mikal. He was in my room all last night, for God's sakes," said Moyers. "Don't tell me I've been using somebody," he said, and Schiller thought he sounded ready to cry, so Schiller took the phone, which had a long cord where it was attached to the wall, and walked with it into the bathroom so that his two secretaries couldn't hear. He said to Bill Moyers, "You don't know what I'm going through," and told him that he felt like he was looking at himself up a rope and then Schiller said, "I don't want the fucking guy to die," and Moyers said, "I don't want him to die either," and it came over them that everybody was walking around with death in his belly. At a given moment everybody was going to have to leap across an abyss. A man they knew was going to be killed. A perfectly civilized world was going to pull its pocket out. Everybody was going to turn inside out.

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After he hung up, Schiller began to study the view from the window. It was snowing. Suddenly Schiller hated snow. He couldn't have told why. It felt like a blanket slowing his efforts. It was dream-like and this situation was crazy enough not to have to feel you were in a dream.

A few hours ago a reporter had come over named Cunningham, top criminal reporter on the New York Post, and Schiller had figured his presence to mean that Murdoch was finally off the execution and onto buying some interviews. He thought Cunningham's job was to come in and read what Schiller had to offer, then give his opinion to Murdoch. So, Larry had offered little bits of the interview and Cunningham had said, "I don't know how much you're asking, but it's probably worth it. I'm prepared to sit down and interview you."

Schiller said, "What do you mean? You are not writing the story. The deal I made with Murdoch is that if he wants to pay this kind of money, it's bylined by us."

Cunningham said, "I'm no fucking errand boy," then and there, he picked up the phone, called Murdoch, and gave hell to his publisher. Murdoch had bought the newspaper just a few weeks before, and Schiller knew the organizational slack that existed at such a time. For a little while, the

respected reporters on the paper could take a high hand with a new publisher. Over the phone, Cunningham was saying, "I've got my journalistic integrity. Larry Schiller is the story. I'm not going to pick up his word and print them."

Cunningham had hardly left before Murdoch called back. "You know these reporters," he was saying. "You know the problems. But you and I are businessmen. You know. How much do you want?"

Larry said, "\$60,000," to which Murdoch replied, "That's a little high." Larry knew the publisher would never pay 60,000 for a 5,000 word interview, but that was a way of holding him off.

Then Schiller had gone to a steak house with Farrell and Debbie and Lucinda and damn if Cunningham didn't show up and say, "I've been sent to tell you that Murdoch's going to call back late tonight and offer more money, but I want you to know this just turns my fucking stomach."

Now, somewhere around midnight, after that last conversation with Moyers, the call came in from Murdoch. He was making his top offer. It was for \$125,000, but it was definitely for the execution. A first-hand exclusive account from Lawrence Schiller. It was snowing real hard

outside by now, and Larry was really tired, and when the phone call was over, he walked to the window again, and he started crying. He could not explain what it was about, or why he was even crying or what he was crying about, but it went through him uncontrollably.

He said to himself, "I'm in a position where I don't know any longer whether what I'm doing is morally right," and that made him cry even more. He had been saying to himself for weeks that he was not part of the circus, that he had instincts which raised him above, and a desire to record history, true history, instead of journalistic crap, but now he felt as if he was finally part of the circus and might even be the biggest part of it, certainly the fattest, and in the middle of crying, he went into the bathroom and took the longest fucking shit he had ever taken in his life. It was all diarrhea. His system, after days of going non-stop and nights of no sleep, was by now all fucked up. The horrors were loose. The diarrhea went through him as if squeezing every last rotten thing out, and still, it came on. When he thought he might be done, he got up and looked out the window at the snow and made the decision that in no way was he ever going to sell Gary Gilmore's death. No. No way could anybody convince him. He would not make that fucking mistake for greed or

security. No. He didn't care if he never saw a penny at the end of this operation. He had to stay by what his gut told him, what he really believed. And he started crying again and said to himself, "I can't even spell properly. I can't write the way I feel and want to express myself," and it got real heavy and emotional and he thought of the disgust in Stephanie's voice over the phone when she refused to come and he thought of what was going to happen when he told Murdoch and Time and Newsweek and the Enquirer and the others that he wasn't going to give them the story on the execution. They would be after him then, and he felt the fear at the center of his diarrhea. He was not only turning down the easiest money that he had ever been offered, but was going to take a beating in addition, and he thought back to the time when he was a kid in San Diego, and Chicanos would waste him and his brother coming home from school, do it every day, and knew something of the same child's fear now, and found himself crying once more, all alone in his bedroom, all alone and the night turning into a lighter blue, and the dawn coming up, exhausted beyond belief, and fucking wondering why he was there and trying to decide that he had a responsibility above all business, shennanigans, and everything else to report as fucking best he could. "I owe that to whatever I am," he said, "whether a journalist or an entrepreneur, whatever I am. I may never

wind up being anything, but I owe it to myself to build my integrity," and he had an inspiration then that all the people who were respected in all the worlds he had gone through, respected for their integrity, had maybe not all been born with it, not every last one, but built it, night by separate night, and he got up, at last, and dressed and went out to the corner of University and Center Street in Orem and stood there with a pad and a pencil in his hand, looking at the traffic that was going by at the biggest intersection in town in the early morning and tried to see if he could write what was happening without looking down at his pad. To himself he said, "For the first fucking time, Schiller, you can't fictionalize, you can't make it up, you can't embroider," that being a word Schiller had learned at the Hearst trial when F. Lee Bailey used it, and every now and then, he'd take his eyes off the biggest intersection in Orem beginning now to be heavy with early morning factory traffic for Geneva Steel, out there slopping and sliding on the snow-slick, wide, wide streets and he would look down to his notebook and check whether the writing with his eyes on the street had been legible. He realized that if he was going to take notes at the execution that were going to be accurate, he might not have a second to remove his glance from the scene, and so he had to learn to separate his hand from his eye and write legibly.

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Then, he went back to the motel and spent the first part of the morning calling up Murdoch and the Enquirer and NBC and told everybody that the word was no, he would not deal, he would not sell, he could hear the sound of the hunting horn. He was the fox, and they were going to be the hungriest of the hound dogs. The Enquirer griped and groaned, and NBC made it clear what they would do, and only Murdoch was a gentleman. "Appreciate your calling me," he said, and later that day, Schiller learned that Rupert Murdoch had spent a few thousand bucks and bought some of Gary's letters to Gibbs.

6.

As Mikal came in Friday morning, Gary said, "Schiller doesn't want me to see your friend. He says it jeopardizes his exclusivity. That son of a bitch acts like he owns me. I ought to fire him, and I would,"--but when Mikal said nothing, Gary finished by saying, "It's too late to find somebody else." Then he grinned. "What I could do is revoke his invitation to the execution."

Mikal was planning to leave Salt Lake that evening in order to spend Saturday and Sunday with Bessie, but Gary

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said, "I want to see you again. Stay one more day." Then he said, "I haven't told this to anybody, but I'm not so sure what Monday morning is going to be like." He looked through the glass at Mikal. "Maybe that's why I need Schiller. He'll be there recording it for history, and I'll keep it cool." He shook his head. "You don't believe this," he said, "but I didn't mean for it to become such a big thing. I thought maybe there would be a few articles." Now he put his hand up to the glass, and Mikal put his on the other side, and they touched but for the quarter inch plate of glass between.

Back in Salt Lake, Mikal met with Richard Giaouque for the last time and told him he had decided not to intervene. That proved to be almost as difficult as making the decision in the first place.

After Mikal left his office, Giaouque made a phone call to Amsterdam and told him of this meeting. Amsterdam said he was aware of what it must have cost Mikal to come to that point, and hung up the phone. There was not much doubt in his mind that the decision was final. Giaouque had astute judgment. He would not have accepted such an answer and given it to Amsterdam if there had been any chance of Mikal changing his mind. The very seriousness of the decision spoke of its finality.

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1.

By Friday morning, with less than 72 hours to the execution, Earl Dorius could almost feel the number of legal actions that were going to be filed that day. Law always partook in some degree of a game--which was one good reason, Earl had long decided, to keep its processes slow and orderly since that kept all the sporting and competitive aspects in place. Now, however, they had all gotten to the point where they were counting the hours, literally calculating how many hours of routine work there would be to file each action and counteraction. With less than 72 to do it in, the aspect of law that was a game had to become paramount, and Earl couldn't be happy about that.

Nonetheless, you now had to respect it as a game, had to use your skills and sharpen your equipment. Therefore, Earl telephoned the Tenth Circuit Court of Appeals in Denver --Utah being one of the six states in the Tenth Circuit Court--to speak to the Clerk, a man named Howard Phillips, that the Attorney General's Office in Utah was fearful that some last minute and, legally speaking, curious efforts

1415

might be made to prevent the execution, so he wanted to make arrangements now to be able to contact the Clerk and the Court over the weekend, particularly on Sunday, in the event they needed to make a counter-move at the 11th hour.

Phillips told him he would be at the symphony Friday evening between 8 and 11:30, but would otherwise be available, gave Dorius his home number. Then they discussed the nature of any brief Dorius might have to write at the last minute. Howard Phillips said under these circumstances, anything submitted in writing should probably be acceptable to the Tenth Circuit Court.

Dorius had his secretary check the airline schedules for flights to Denver, and learned that on Saturday and Sunday nights, the last flight from Salt Lake was at 9:20 P.M. which information he passed on to Hansen and Mike Deamer, Hansen's Deputy Attorney General. Special arrangements for transportation would certainly be necessary if they had to get to court in Denver on Sunday night after 9:20. Earl's next call was to Michael Rodak, the Clerk of the United States Supreme Court. Rodak and he discussed the possibility of last minute appeals to Washington, D.C. Since Earl expected to be assigned to the prison Monday morning to receive any last-minute phone calls from higher

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courts, he now gave Rodak the prison telephone number, and his home number. They also agreed on a special code Rodak could use if the Supreme Court had to reach Dorius. It was very important to make it impossible for unauthorized calls to come in. Some crank or over-motivated party could always call Utah State Prison at the last moment to say they were the Supreme Court and a stay of execution was on. So there had to be a way for the prison to know that it was the Clerk of the U.S. Supreme Court calling, and only the Clerk. So Michael Rodak now told Dorius that few people knew his nickname which was Mickey nor that he had been raised in Wheeling, West Virginia. The code would be "Mickey from Wheeling, West Virginia is calling."

Friday afternoon, two cases landed on Earl. There was a well-known Salt Lake lawyer named Gil Athay who had a death-row client, Dale Pierre, one of the Hi-Fi killers who had been convicted for pouring Drano down customers' throats in a stereo and hi-fi store before killing them. Athay was arguing that the execution of Gary Gilmore would tend to create a public atmosphere that would make it easier for his client to be turned down on appeal.

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ACLU

Just as Dorius was walking over to Bob Hansen's office to discuss this new case, another telephone call came to advise him that Jinks Dabney had just filed in State District Court. The ACLU was bringing in a taxpayer's case before Judge Conder. Two cases and one afternoon to do them in.

It was decided Bill Evans and Earl Dorius would oppose Gil Athey, and Bill Barrett and Michael Deamer would argue against the ACLU action in Judge Conder's court.

A couple of hours later they came back with victories in both cases. It was mainly, Earl thought, because the plaintiffs couldn't show that they had any rights that were being denied by the execution. Gilmore could challenge the process, and his immediate family might be able successfully to claim standing, but there it ended. You simply couldn't have everybody going to court. Thank God for standing, thought Earl. That afternoon, he had argued that the public was going to be harmed by any further delay in the execution, and he meant it. The unspoken horror of circuses was that the longer they went on, the more they made everything worthwhile look ridiculous.

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8.

Friday afternoon after court was done, Phil Hanson found himself thinking again about Nicole and Gary Gilmore. After a couple of those planned meetings with Nicole had failed to come off in September and October, he had kept thinking about Gilmore and assumed that Nicole would get back in touch with him for the appeal, or he would get ahold of her. Hanson was so busy with his own practice that it was hard to sit down on a given day and take positive steps on something not even in his office. So, before he knew it, Gilmore was refusing to appeal. At that point, Phil began to wonder how he could possibly step in. Do you save a man who didn't want it? Still, the idea of Gilmore being executed was personally offensive to Phil Hanson. He hadn't spent his years saving a few lives that nobody else could--it was in fact the pride of his career--without coming to decide that the death sentence was an obscenity. If you were a devout Catholic, and a great football coach, it would be obscene if you were coaching Notre Dame and they lost 79-0. So, in this particular week, with the execution hanging over every puff

of cigar smoke in the corridors and judge's chambers of every court in Salt Lake, Hanson came to the end of Friday afternoon, with the realization that he had had three cases back to back in Judge Ritter's court and, in fact, two of the juries had even been out while the third case was being tried. That had gone on all week, and therefore, on Friday afternoon, Hanson said to Ritter at the bench, "You worked my ass off all week long. You owe me a drink," and Ritter laughed and invited him back to his chambers where he poured quite a few for Phil--Ritter not drinking much any more--and they talked about Gilmore and waited for a call from Dick Giaque and tried to find Giaque's partner, Daniel Berman, who was doing some legal work for Judge Ritter, and then they tried to call Matheson the Governor, and all this while that these calls were failing to reach anybody, Hanson was brooding on the matter and thinking of the idiocy of the oncoming execution. "Yes," he said, ruminating over it all, "Sam Smith will never die of a brain tumor." And chuckled in his cigar smoke, and then Hanson said, "If all else fails, I'm going to bring a suit that I believe is a novelty." When he used to be Attorney General--one of the small irritations of Phil Hanson's life these days is that people still kept mixing

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him up with Bob Hansen--he used to bring in suits precisely as the Attorney General, even called it an Attorney General's suit, on matters affecting the public good. His first impression, thinking on it now, was that it might also be feasible to bring in a suit as a citizen of the United States who happened to live in the State of Utah. "Why," he said to Ritter, "do I have to have a title to bring a suit? Why can't I just stop the execution? Why can't a citizen do it?" They talked about it awhile, and Hanson finally decided that what with the ACLU in up to their neck with a new suit or two tomorrow after losing this afternoon, he would save his bid for a last resort.

Los Angeles Times

CHALLENGED BY U.S., STATE

Crotchety or Creative?
Utah Judge Is a Caution

Salt Lake City--Somewhere between the charge by his enemies that he is a mean-tempered old man and the claim by his friends that he is a creative legal scholar, probably lies the truth about U.S. Dist. Judge Willis W. Ritter.

For 28 years the controversial Ritter has been a dominant force in Utah legal affairs, despite the fact he is a liberal, anti-Mormon Democrat in a state ruled principally by conservatives and strongly influenced by the Church of Jesus Christ of Latter-day Saints.

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"He has been lord of the manor and Utah has been his fiefdom," former U.S. Atty. Ramon Child said.

Now, however, the judge, 78, is facing an unprecedented challenge to his authority by federal and state officials.

State Atty. Gen. Robert B. Hansen has filed petition with the 10th Circuit Court of Appeals in Denver asking that Ritter be disqualified from hearing any cases to which the United States or the state of Utah is a party.

Basically, the petitions accuse Ritter of repeated misconduct on the bench, a strong prejudice against the state and federal governments, failing to observe judicial precedence and, generally, behaving erratically.

Utah Sen. Jake Garn, a Republican who has called Ritter a "disgrace to the federal judiciary," is leading efforts in Congress to dilute the judge's authority.

But in a letter last October to Rep. Peter W. Rodino Jr. (D.N.J.) chairman of the House Judiciary Committee, Ritter outlined how he sees his problems.

"Malice, Mormonism, McCarthy-Nixon dirty tricks are written all over it by extreme rightist elements in the Republican Party," Ritter wrote.

"The Mormon church has taken over practically every other public office in the State of Utah. They have been trying for a long time to take over the federal court for the district of Utah."

Ritter was a law professor at the University of Utah when he was appointed a federal judge in 1949 by President Harry S. Truman, but the appointment was hotly

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contested by Mormon forces. Ritter was accused of personal immorality and public corruption.

When Congress mandated age 70 as the retirement age for federal judges in 1958, it exempted 32 sitting chief judges. Ritter is now the lone survivor of that action.

Bob Hansen might have been just as annoyed that people mistook him for Phil Hanson. There was no doubt what he thought about Ritter. Ritter, he felt, would not only twist the law, as to some extent all lawyers and judges did, but would absolutely torture it. The difference between twisting and torturing was tantamount to Hansen. He felt some of Ritter's extremes weren't mistakes of the head, but the heart. Ritter had real malice of the heart toward more than a few members of the legal profession in Utah, and that, in Hansen's opinion, made him absolutely incapable of objectively and impartially applying the law. Of course, Hansen would not argue that Ritter was not brilliant. Maybe he was even a genius. It was possible that if you took guys with brains, Ritter was in the upper 1/10th of one percent among them, but he was also a perpetual fury machine. In fact, Ritter was so violently anti-Mormon that the Church had become, in Hansen's opinion, oversensitive to the idea that when it

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came to Ritter, they had to lean over backwards. It made Hansen critical of what he considered a policy of appeasement.

XXVII SATURDAY, SATURDAY

On this very last visit, Gary gave Mikal a drawing he had made of an old prison wall. "That's my self portrait," he said. They were talking on the phone when Wardman Smith came into Gary's room, and had a discussion to decide when the book would be put in Gary's hand. After Mikal felt he could listen to that no longer, he stopped on the phone to say that if he were to watch his plane, he would have to leave soon. Would the warden allow a final handshake?

Smith refused at first. He finally said yes, but on condition that Mikal would agree to a skin search.

Just as was done, two guards brought Gary in. They told Mikal to roll up his sleeve before they shook hands. They said it would not be anything more than a handshake. Once Gary grasped his hand, however, he squeezed it close to crushing. And a light came into his eye, and he said, "I guess this

XXVII

SATURDAY, SATURDAY

1.

On this very last visit, Gary gave Mikal a drawing he had made of an old prison shoe. "That's my self portrait," he said. They were talking on the phone when Warden Smith came into Gary's booth, and had a discussion to decide when the hood would be put on Gary's head. After Mikal felt he could listen to that no longer, he rapped on the glass to say that if he were to catch his plane, he would have to leave soon. Would the warden allow a final handshake?

Smith refused at first. He finally said yes, but on condition that Mikal would agree to a skin search.

Once that was done, two guards brought Gary in. They told Mikal to roll up his sleeve before they shook hands. They said it could not be anything more than a handshake. Once Gary grasped his hand, however, he squeezed it close to crushing, and a light came into his eye, and he said, "I guess this

is it." He leaned over and kissed Mikal on the mouth. "See you in the darkness beyond," he said.

Mikal knew he couldn't stop crying now and turned away. He didn't want Gary to see it. "Are you okay?" Gary asked. Mikal nodded. The guard handed Mikal a book by Johnny Cash, The Man in Black, which Gary wished to give to Bessie, and then a drawing of Nicole. Mikal could feel Gary's look following him as he walked with the guard toward the double gate. "Give my love to Mom," Gary called, "and put on some weight. You're still too skinny."

Right afterward, Moody came in for an interview. He and Stanger were fresh from a dispute with Schiller. The interview on Friday had been, Moody was obliged to admit, somewhat casual. Schiller had been required to listen to them talking about Melvin Belli, and his rhinestone cowboy boots.

"He buys his clothes," Gary had said, "at Nudi's in Hollywood."

"What is," asked Stanger, "the biggest item you ever smuggled into a cell?"

"A 340-pound Norweigan woman wrestler."

They had all laughed.

Schiller, Bob Moody recognized, had listened to them talk

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about good guards and bad guards and what might make the warden tick. Schiller had listened to them talk about legal moves and food and autographed bibles that had come to Gary in the mail.

Then, this morning, Stanger had chosen to ask Larry what he thought of it.

"Stanger," Schiller shouted, "why don't you get off your ass?"

Stanger had had enough. "You, Schiller," he said, "why don't you stick it up your ass," and he stormed out.

"I'm never going to speak to Schiller again," said Stanger to Moody, "and I'm not going to interview Gary today."

"Goddammit," said Moody, "if we're going to do a job, then we're going to do it."

That was probably as large a difference between them as they ever shared on the drive out to the prison.

Stanger considered himself a darn good cross-examiner. So was Bob Moody, and Stanger knew they could cross-examine Gilmore if they wanted to, cut across him left and right, exactly how Larry wanted. But there were a couple of things in the way of that. One of them was that those questions that

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Schiller and Farrell were so proud about seemed very stupid to Stanger. They didn't bear much relation, from his point of view, to what Gilmore was all about.

Stanger knew there had to be friction, because he felt a different need than Schiller. Gilmore was his client, and a human being. He wanted to fill his wants. Larry looked for questions that would make Gilmore angry in order to see how he would react. Stanger didn't feel he could go to prison and make Gilmore angry. Didn't want to go out to talk to him in Maximum in order to challenge him. It was okay to seek information, but it was not all right to get Gary mad like a rat with probing wires just to see how he would react. Stanger wasn't going to keep attacking on one given line until something cracked. Gary was caged up all day long, and it was unfair to experiment on him. Schiller had this huge operation going and might end up with too little, and Ron could see that point, but his job was to build up, not break down, Gilmore's confidence.

All the while, Stanger was seething. The simple nut of the problem was that he was a lawyer and it was alien to him to read somebody else's questions. Maybe he should have pondered them with the idea of following up, but he and Moody were dog-tired. Conditions were on top of them all the time.

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"You two guys get out there and get serious," Schiller could say as if they were blocking back and running back, but Bob Moody was tired of pointing out the difficulties of working with guards watching. Like Ron, he thought under the circumstances they were doing a hell of a job, and it wasn't that agreeable to come back and sense how Schiller and Farrell thought they were a couple of jack-asses. All the same, Schiller was right that there were only two days left and all kinds of material left to get. Moody sighed. He would just have to do his best.

GILMORE: Look. . . is this on the recorder?

MOODY: Yes, uh huh.

GILMORE: The warden told me I could invite five people. I named 'em and he said, don't you want any clergymen there?

MOODY: The statute's very clear that you're entitled to two clergymen and in addition, five people.

GILMORE: I don't want the clergymen to get barred. They've been looking forward to this all along.

MOODY: Come on, as if anybody looks forward to it. I think ah . . . it would make them feel they were fulfilling their duties.

GILMORE: I don't care what their motives are. They both want to come.

MOODY: It's just gonna be a damn painful forty-eight hours for everybody.

GILMORE: Man, I'm not in pain.

MOODY: I know you're not, but others are. Your
Uncle Vern, your Aunt Ida are goin' through hell.
(Pause) Others are physically ill.

GILMORE: Who?

MOODY: Well, I am, Ron Stanger is, Father Meersman.

GILMORE: It's no big deal.

MOODY: We know it's no big deal, but it's empathy
for you.

GILMORE: I'd like to see Nicole. The sucker won't
give me an answer.

MOODY: I think that's your answer, you're just not
going to face reality.

GILMORE: I didn't hear.

MOODY: I think that's his answer. He's just not going
to answer you, period. That's no reason to shut
out everything else. You still have forty-eight
hours to live. Well, live it.

GILMORE: Shit. Up until the last hours I only had
one guard, and if I didn't talk to him, he didn't
have nobody to talk to. So it was quiet.

MOODY: Yeah. . .

GILMORE: Now they've put two of them fools out
there. All they do is talk to each other and
play cards.

MOODY: Well, they tell us that's part of an exe-
cution.

GILMORE: Man, ah . . .

MOODY: When you get an execution, you get a death
watch. That's what you're undergoing right now.

GILMORE: Well, I don't like to listen to the cock-
suckers right in front of me.

MOODY: You may not, but it's part of your sentence.

GILMORE: Well, OK then.

MOODY: If you're gonna get shot, you're gonna have a death watch too. That's part of it.

GILMORE: Yeah. . . (Pause) OK, man.

MOODY: Do you want me to send these questions in?

GILMORE: I'm not really all that choked up about answering anymore.

MOODY: OK.

GILMORE: It, man, is so noisy. If I could have some quiet during these last fucking hours.

MOODY: You doing your exercises or anything like that to pass the time?

GILMORE: Yeah. . . I do all that.

MOODY: You reading any?

GILMORE: No, ah . . . I don't read any more. Shit. . . I've read all I'm gonna read.

MOODY: Draw anymore?

GILMORE: No.

MOODY: You going to draw that self portrait?

GILMORE: Don't have a mirror.

MOODY: Well, I guess you don't have much of anything, do you?

GILMORE: I've got myself. (long pause) I don't want to ah, fuck around with writing the answers to these questions. I guess he deserves answers. but God damn it I don't like the way Schiller does some things.

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MOODY: Well, there are lots of times we don't like the way he does things, but his is a style, and he's in a tough racket and you develop a style like his.

GILMORE: Is everybody just supposed to accept that?

MOODY: No, I don't think so. But he's got a damn difficult job. He's trying to do it. That's all. He's workin' his ass off.

GILMORE: I asked him not to read those letters and he did.

MOODY: OK. (long pause) Don't you feel that you owe Larry something?

GILMORE: Go ahead and read 'em. I'll answer 'em. I want Larry to understand that he don't have the right to say who the fuck I can or can't speak to. My brother asked me to talk to a friend of his, and I told him yeah. I know who Moyers is. I wouldn't have answered anything that you wouldn't have wanted me to say.

MOODY: You're really splitting hairs over nothing. Cause there's no way in hell Moyers is going to get in to talk.

GILMORE: I know that. I was pissed off because Mike was unhappy.

MOODY: OK.

GILMORE: All right.

MOODY: The next question has been asked a number of times. Have you ever killed anyone before Bushnell and Jensen?

GILMORE: Mr. Chessman was the first man I ever killed.

MOODY: Well, how 'bout this guy that you beat with the pipe?

GILMORE: He lived, too. (sigh) Kind of altered his life, though.

X-48

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MOODY: Don't you find shooting pretty damn grotesque?

GILMORE: What's grotesque is the fact that you have to be strapped in the chair with the hood, and all that horseshit.

MOODY: Doesn't the blood and guts of a shooting appeal to you?

GILMORE: (laughs) Fuck you, Larry. . . the blood and guts. . . Yeah, man, that really appeals to me. I'm gonna take a spoon.

That the prison Chaplain,

From the two executions Father Meersman ~~attended,~~ *had attended,*

he had learned enough to know that things could go badly wrong. The person to be executed might become so upset that they would lose that own particular kind of calmness. Father Meersman always tried to keep a man in a state of calm ahead of the execution, tried to let him know what was going to be done. He figured if the man more or less knew how it was going to take place, knew you went to this place, point A, and from point A you were moved to point B, and then, at a certain time, you would go to point C, and so forth, then he wouldn't have to say, "Where are we going now?" and maybe get kind of upset over it. Some little thing like that could bother a man much too much.

Whereas, if they knew ahead of time, so they could go through it sort of smoothly, and if everybody around leading them was calm, then that could prove a contributing factor

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to their own kind of calmness, just knowing more or less how the mechanics were going to be. You didn't want anything of a surprise to happen, because that would cause upset. Everybody was very tense when an execution was taking place, and you didn't want anything to get out of step or make the man balk.

Meersman always felt he succeeded in explaining to Gary why they put the hood on. It didn't matter who you were, when such an execution took place, he told him, you wanted the person to be very still, so that the target didn't move the slightest bit. Any slight movement could throw the bullets off. If Gary wanted to die with dignity, then he had to respect that very, very simple thing about the hood which was there for practicality to allow the thing to run very dignified, and no movement. To go off on a dignified basis, everything had to run just so smoothly as if it had been rehearsed. He did his best to explain that to Gary who listened to him in silence.

2.

On Saturday afternoon, Gil Athay came out of Judge Lewis' chambers in the Federal Building and faced the press

in the corridor. They were frantic. Judge Lewis' regular courtroom was in 10th Circuit Court, Denver, and his chambers here, while commodious, had simply not been large enough. A lot had not been able to jam in and hear the proceedings.

~~Afterwards, it was chaos, cameras flashing, and the call letters of microphones from foreign and domestic radio stations in his eyes. A chaos of people crowding forward. Athay felt as if he were marching into one of the rings of the circus.~~

~~It was hard not to resent the atmosphere. He had a few ugly words with a few reporters right off. For days he had been going in and out of courtrooms and fighting a way down corridors made narrow by the bodies of reporters. It had gotten out of hand. He was a dapper man with a mustache, but not tall enough to avoid getting swallowed in crowds. Sometimes you just flat couldn't get through to reach a courtroom and make your argument. So at this point he said, "OK, we're going to do it one way. We're going downstairs. If everybody wants to get together I'll be happy to make a statement, but I won't stand here." There remained a complete pandemonium. In his ears, he could still hear Judge Lewis saying, "You make it very difficult for me, Mr. Athay, to place it all on my shoulders, you know. If~~

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~~you'd given us time, there could have been three judges to hear this." But Athay by then had been sufficiently keyed up to answer--and even at the time he had wondered in his mind if he was really answering this way--"Well, I think, your Honor, that's true, but we have to make the decision, and can't hide behind the committee." Had he really said that? The case of Dale Pierre had tightened his temper.~~

~~Athay was the~~ **FOR**
~~As a lawyer, he had been living on death row with Dale Pierre, whom he had come to believe was innocent. That was an extraordinary belief to most, since~~ the public was convinced that Dale Pierre was one of the hi-fi killers and had helped pour Drano down peoples' throats and stick ball point pens in their ears. The wife of a prominent gynecologist had been killed in that record store, and her son's brain had been permanently damaged by the killers. Stove in. It was a nightmare of a case, but ^{Athay} he had come slowly to believe that Dale Pierre was innocent and had been convicted by the jury because he was black, a condition to avoid in the state of Utah. In ^{at the time Dale Pierre was convicted,} Utah a black man couldn't even become a lowly priest in the Mormon church.

~~in behalf of Dale Pierre,~~
~~so Athay had embarked for all practical purposes on a crusade. In fact it had cost the full price of a crusade since Robert Hansen had made Dale Pierre one of his most power~~

ful talking-points when they ran against each other in the last election for Attorney General. Would-you-want-this-man-who-defends-clients-who-stick-ball-point-pens-in-middle-aged-women's-ears-to-be-your-next-Attorney-General became the whispered theme. Athay had taken a court appointment to serve as Pierre's lawyer, saw it as a duty, but then had become more and more convinced of Pierre's innocence. A complex man, a difficult man, but rather a beautiful black man was Dale Pierre to Gil Athay.

Athay had always hated capital punishment, and was ready to argue that there was no rational way you could justify imposition of the death penalty, except to admit it was absolute revenge. If that, he would say, was the foundation of the criminal justice system, then we had a pretty sick system. Those were his feelings.

In behalf of Dale Pierre, Athay

~~He was a member of the board of directors of the ACLU but hardly one of their functioning lawyers, just on the periphery, a loner. But he had worked with the ACLU with this Gilmore business, and today had entered an appeal to prevent Gary Gilmore's execution.~~
~~his client, that had been audacious in the extreme.~~ It had

said--standard opening--that the Utah statute on capital punishment was unconstitutional because of its lack of mandatory appeal. Then came the legal novelty. If an execution were to be carried out under this defective law, without ever

being tested by appellate court, then in the future, it would be hard to find a higher court ready to declare that the statute was unconstitutional. For once a man had been permitted to die by virtue of a bad law, there would necessarily be a chilling effect produced in any judge who would have to think of saying in effect to a fellow judge, "You've executed a man you shouldn't have."

The potential effect of Gary Gilmore's death would be most significant, therefore, to the life of Dale Pierre. That was Athay's position. ~~It was one difficult argument to bring before the bench. You almost had to make the language insulting to receive the court's attention. Had to say virtually, "You people play the judicial, intellectual, dispassionate game, but regardless of how much you may want to separate yourselves from heat or bias, you can't help but be influenced by the fact that a man has been executed. After that happens, you will have a tendency to defend this law."~~

No, it had not been the strongest case. Not easy to get standing for Dale Pierre so that he could appeal the sentence of Gary Gilmore. ~~In the meeting on January 10, the ACLU had put it far down on their list. In fact it was next to last. But by Friday afternoon, word coming from Giaugue that Mikal Gilmore was not signing any papers, Gil Athay had~~
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gone to Judge Anderson's court. ~~Judge Anderson was a rigid~~
~~Mormon, but he was the only judge available at that hour.~~
~~While there was hardly a realistic hope that his argument~~
~~could prevail, Athay did what he had often done before he~~
~~got caught up in his own reasoning and philosophy, and lost~~
~~track of reality. It was a tough admission to make after-~~
~~ward, but he actually came to feel he had a good shot and a~~
~~good argument, and he thought Judge Anderson listened to him~~
carefully. ^{b5f} The basic problem nonetheless remained: the case
was thin. Nobody really wanted to get into the sinister
merits of Athay's argument. Nobody wanted to face the po-
tential inability of an appellate court to overthrow a de-
fective statute that had succeeded in executing a man. So
everybody got hung up on standing. That's where they lost
with Judge Anderson. You just couldn't get a court to come
near a reality as uncomfortable as this.

Having failed with Judge Anderson, Athay went to Judge
Lewis on Saturday afternoon. ~~and took his reprimand, just as~~
~~Anderson had reprimanded him, for bringing in the case so~~
~~late. That always drove appellate courts up the wall. A last-~~
~~minute appeal in a capital case excites everybody all over the~~
~~place. But Athay was used to reprimands and took this one,~~
and presented his argument to Judge Lewis. He said publicity
was mushrooming all over the place, and an immense amount of

emotionalism was being shown on everyone's part. This was obviously going to have an effect on the life of Dale Pierre.

The legal weakness was that this point, while self-evident, was still not actual evidence. There were no witnesses to present nor statistics to offer that 50% of the state population, say, had once thought Dale Pierre should be executed, but now it had gone up to 90%. When standing was weak, you needed numbers to underline even a self-evident argument. Here they could offer no more than the logic of the situation.

So Athay lost again in Judge Lewis' court, and knew as he spoke at this moment to the press, and fought his way down the corridor, that one way or another, he was going to get through tomorrow to the U.S. Supreme Court.

3.

When the Utah Coalition Against the Death Penalty held its meeting in the auditorium at the State Office Building in Salt Lake on Saturday afternoon, Julie Jacoby thought it was all rather decorous. Bill Hoyle had picked a place of sufficient size to accommodate what he guessed would be the size of the crowd, but not so big as to embarrass

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Nonetheless, they did it. They wanted to do something. The idea was not to let those unthinking blood-thirsties swallow the day without some token resistance. The world, as Julie understood it, was watching Utah these days, and they wanted the world to know there were people in Utah who did not agree with the prevailing forces. In fact, they got some publicity out of it. The Salt Lake Tribune gave them the front page of the second section with a marvelous picture of Dean Andersen of St. Mark's in front of a beautiful banner that students had made. It was navy blue with white letters and said, "NO EXECUTION."

The Salt Lake Tribune

No Executions! Abolish the Death Penalty

"Official Blood Bath" Protestors say of Utah Death Penalty

Salt Lake, Jan. 15--The execution of Gary Mark Gilmore has turned into a "super bowl of violence," an Episcopal priest charged Saturday.

"It is complete with a Barnum and Bailey circus atmosphere and movie rights, reserved seats, T-shirts and love letters. We could all laugh about it, but in two days a team of volunteers will kill Gary Mark Gilmore without appeal," the Very Rev. Robert Andersen said.

The Dean of St. Mark's Episcopal Cathedral kicked off an afternoon rally at the Utah State Office Building sponsored by

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the Utah Coalition against the Death Penalty.

More than 200 opponents of the death penalty attended. Most wore buttons which read, "Why do we kill people who kill people to show that killing people is wrong?"

Deseret News

Opponent Urges Utahns to Halt Execution

Salt Lake, Jan 15--About 15 or 20 bishops from the National Council of Churches are expected to arrive Sunday afternoon to participate in a Sunday-Monday vigil at Utah State Prison.

Henry Schwartzschild, coordinator of the National Coalition against the Death Penalty, called the execution "a brutalizing horror," a "dangerous precedent," and "judicial homicide."

He also commented that plans to carry out the execution in relative secrecy are "here squeamishness." Mr. Schwartzschild added that it "is moral cowardice to favor it and not look it straight in the eye."

4.

On Saturday January 15,

That same afternoon, the Warden held a press conference and Tamara went to it and brought back a first-hand account of how Gary was going to be moved from Maximum Security over to the cannery to meet the firing squad. Sam Smith had also given the regulations for the media. The outer gates to the

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prison were going to be closed to the press on Sunday night at 6 PM and would not be opened up again till 6 AM of the 17th. Those of the press who wanted to be on the grounds during the long hours preceeding the execution would have to spend the night in the prison parking lot.

Schiller now had a problem. If he went in before 6 PM, he would not be able to receive any last minute phone calls at the motel from Gary. On the other hand, Gilmore was going to be allowed to spend his last night with Moody, Stanger, and close members of his family in the visiting room at Maximum Security. There was a small chance the warden would let Larry join that group. If he were not on the prison grounds, however, and the warden did change his mind at the last minute, he might not be able to get in. It was a problem.

~~Even as he was pondering this, Tamera said, "Larry, I want you to do me a favor. I'd like you to come to BYU this afternoon and give a speech to the Social Sciences class about Gary Gilmore." "Tamera," said Schiller, "what is this?" "Look," she said, "my bishop asked me, and then my friend's bishop asked. It would really . . ." Schiller turned around thought, "It's an excuse for me to get out of this fucking madhouse."~~

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~~So he carted himself up to the University on the afternoon~~

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very simple and very placid. He wouldn't call the students bright or intelligent, so much as in their own world. It was like talking to a pool of the innocent. They were hostile to Gilmore, of course, but hostility in a Mormon was so reserved, you didn't even have to see it. It just showed in all the questions. "Why," they would ask, "don't you do the story about Ben Bushnell rather than Gary Gilmore?" and Schiller would answer that at this point in the realm of the United States, Gary Gilmore was making history. Fair or not, Bennie Bushnell and his death never would, and that was the core of the press interest. The kids didn't like it as an answer, but he was very straight on. He had told them right out he was not there to please them, but to show what the other side of the coin was. "I'm not going to hide what I am," had been one of his first remarks. So it went. They asked. He answered. ~~Two hours out of his life.~~

When he ~~got back to the motel~~, Moody came in with the interview he had done that afternoon, and Schiller declared it was really great, ~~although it was just a little sharper,~~ and Stanger declared it was was an incredible interview, and even did some boasting, although Bob had done it, and then suddenly they looked really tired, depressed. Everybody was feeling down yet manic. Right at this time, Moody and Stanger sprung it at him. They weren't being paid enough

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money for their efforts.

Schiller hit the fucking ceiling. He even got Vern on the phone. The short and the long of it, is they all began to realize they were really bushed, and everybody retreated from their positions, and agreed that what they were really concerned about was Gary's life, not whether someone was being paid at this moment enough for their efforts. But all the while, Schiller was thinking, "We're getting closer to this guy's death--are we getting closer to the truth?" Then he would ask himself, If Gary were ~~was~~ willing to talk, what really would he talk about? Do we go to the mother? Do we give up on her as the soft point? Do we rule out Nicole as a subject for more questions? He hasn't said a word about Nicole in three days. What is the true story on his family? Schiller recognized once again he didn't know anything about Gilmore and time was running out. All he knew was that he could finally decide he liked him. For the simplest reason. The guy had spent all the money that had been given him, but he had still come through with verbal and written communication. He might be smart-ass, but here, just a day and a half before he'd be dead, he was continuing the dialogue. It was as if Gilmore felt a responsibility to history, too.

~~Considering his responsibility to guard the material they~~

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Rather, Stephanie had a nervous system, and it was delicate, and she wished to protect it. She had been in a terrible accident just a few years before where the car in which she had been riding as a passenger smashed, and she had been burned, and her beauty was delicate, it was vulnerable beyond his belief, and at that moment, maybe it was the weight of every emotion he had been carrying, but he felt a great tenderness toward her, even if she wouldn't join him.

5.

Shirley Pedler had been called down to a studio by ABC news and ran smack into Dennis Boaz just as she was entering. She said, "You're going to get what you want. I hope you're happy. I hope you're pleased with what you've brought about here." Boaz looked at her, and said, "Gee, Shirley, can't we be friends?" "I don't want," she told him, "to be your fucking friend." He stood there looking at her, a little taken aback, and finally turned to the people with him and said, "Oh, she says she doesn't want to be my fucking friend," and he tried to laugh it off. Away he went, and away she went, and she was furious. There was one man who had come in to gratify prestige needs. All he had wanted, she thought, was to be involved in an event of national import.

~~One of the girls Larry had hired was named Debbie. She~~

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~~Alone in her room, it would start to come over her what was going on.~~

On Saturday night, ~~she did take a break and turned on the TV. There was Saturday Night Live. They had a parody on Gary Gilmore. They were putting makeup on an actor playing Gilmore and the director was saying, "a little more light over here, a little more makeup." They were getting him ready to be shot for the camera. A parody of the whole thing and very sarcastic. They kept putting on more makeup. She never thought television would be this weird. She had always thought "existential" was an odd word to use, but it was just so bleak and cold outside, just a little bit of eternal snow on the ground, and she felt as if no one had ever gone out of this motel with these xerox machines, and the typewriters.~~

Barry Farrell was studying Gary's old letters to Nicole. Reading one of them, he almost groaned aloud. It was too late in the day to question Gilmore about this, not too late to ask the question--God, they had asked him everything--but it was too late to get an answer that would tell any more. They should have prepared the ground for this over many weeks.

"I was in the State Hospital in Oregon," Gary had written, "trying to beat an armed-robbery beef and this 13-year-old boy

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came in 'cause he couldn't get along at home. He was really pretty, like a girl, but I never gave him much thought until it became apparent that he really liked me. I was 23 then. I'd be sitting down and he would come up and sit beside me and put his arm around me. It was just natural to him, a show of friendship. He didn't have a dad, there was just him, his mother, and a younger brother in the family. One time he came up to me in the locker room and asked if he could read this Playboy I had. I said sure, for a kiss. Man, he was dumfounded! His eyes got big as silver dollars and his mouth dropped wide open. He said "No!" and it was really pretty, and I fell in love on the spot. He thought it over then and he decided he wanted to read that magazine pretty bad, 'cause he gave me, or rather let me take, a very tender little kiss on the lips. I used to watch him down at the swimming pool. He was one of the most beautiful people I've ever seen, and I don't think I've ever seen a prettier butt. Anyhow, I used to kiss him now and then, and we got to be pretty good friends. I was just struck by his youth, beauty, and naivete. Then one of us was sent elsewhere."

Gilmore was confessing. It was just that he was employing a poetic device to veil the confession. That beautiful description, that beautiful kiss.

Barry valued it greatly, that beautiful kiss. Gilmore

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was confessing. It struck him as the most moral moment in the letters. Finally Gilmore was admitting to something that had been on his mind all along, something that had gone right through all that evasion whenever there was a reference to sex. Always present, that transparent discomfort with sexual material, but here, in this little confession, this little moment of talking about how beautiful the boy was, it was gone. He could say it. What a sweet kiss. A nice moment.

Farrell didn't think it was a matter of homosexuality as such. He took it for granted that Gilmore, like the majority of men Farrell knew who lived most of their lives in prison, had been one sort or another of situational homosexual. The only choices, after all, were homosexuality, onanism, or abstinence. Farrell thought almost nobody chose abstinence, and then those that did were probably none the better. It was just that Gilmore had a skewed and miserable relation to sex. Like many another prisoner, his natural sexual fantasies must have been burned out long ago by pornography and masturbation, until no woman could do it as well as one could do it oneself. Horrible to contemplate how a guy who spent a lot of time in prison was just pretty well washed up as far as ordinary sex went.

Yes, all those inadequacies with Nicole of which he gave

a hint in his letters were so much in contrast with the great fuck passages he also created, some of them--save the mark--within shooting distance of D.H. Lawrence. Yet all the while his letters were giving away how maladroit was Gilmore's stance to the very idea of sex itself. So it wasn't a matter of homosexual behavior; it was just that Gilmore by admitting this boy and this kiss to Nicole was also revealing how difficult, and pretty, and far-off, and kooky, was sex for him.

Farrell decided to bite the bullet and put in the letter as part of the bona-fide interview. A cheat. So be it. As Schiller said, "Get down in the gutter with us sinners."

6.

On Saturday evening, near midnight, Father Meersman said a Mass for Gary in Maximum Security. He turned the kitchen into a chapel by using one of the portable metal serving tables as an altar, and Gary sat up on a permanent metal table with his feet in the bench so he could see better. One of the guards, who had been an altar boy, served Mass.

Father Meersman laid out the portable altar stone, which in these circumstances, coming out of his Mass kit, was a cloth, and then he laid on miniature altar linens, put out the corporal,

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the chalice, and the paten, the candles in their holders, set the crucifix, and gave a misalette to Gary so he could participate. Father Meersman carried a complete set of vestments and he wore them, white alb, cincture, stole, maniple, and chasuble. Across from him, Gary was wearing a white shirt and pants.

Father Meersman recited the Confiteor, ". . .I have sinned exceedingly in thought, word, and deed, through my fault, through my fault, through my most grievous fault."

Then the priest read from Gary's favorite psalm, which from experience he knew was most familiar to Gary in its first few lines.

Bless the Lord, O my soul, and let all that is within me bless His holy name.

Bless the Lord, O my soul, and never forget all he hath done for thee.

Who forgiveth all thy iniquities; who healeth all thy diseases.

Who redeemeth thy life from destruction; who crowneth thee with mercy and compassion.

Who satisfieth thy desire with good things; thy youth shall be renewed like the eagle's.

Father Meersman next read from the Gospel, Mark II, 1-12, and again he read only the first part which would demonstrate the mercy of Jesus, "Son, thy sins are forgiven thee." Strictly speaking, thought Meersman, he wasn't supposed to deviate from the gospel of the day, but in a case of this

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sort, he didn't think anybody would fault him for it.

"This is My Body. . .this is My Blood," said Father Meersman, consecrating the bread and wine, and held up the host, and the chalice, and the guard who was serving as an altar boy rang the bell thrice, rang the bell thrice."

"Lord, I am not worthy that You should come under my roof. Speak only the word and my soul shall be healed."

Father Meersman took communion, and after he had drunk the wine, and the altar boy had gone to communion, and the other guards at the head table behind Gary, being Mormon, did not receive and merely watched, Gary took the wafer on his tongue in the old style, in the way, observed Father Meersman, he had received as a child, and then he drank from the chalice. Father Meersman stood beside him while Gary consumed what was left.

Father Meersman thought it was a beautiful night and very good. Gary had blessed himself at the beginning but was subdued during the Mass. After it was all over, he kidded Father Meersman. "Padre, I don't think the wine was as strong as it could have been," he said.

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Hi Elf

When you are released go to Vern's. I have given him
a lot of things to give you.

They will be in a black duffel bag, taped shut--

There will be my photo album, some jewelry, a lot of
books, Gary Gilmore T-SHIRTS, a few letters, mostly from for-
eign countries.

A Sony radio.

I been tryin to get a sacred eye ring from the Aladdin
House Jewelry Company in New York. If I can get it today,
I'll put it in with the stuff.

Oh Baby Baby Baby I miss you!

I love you with all I am.

They play our song a lot. "Walking in the footsteps of
your mind" I don't know if you get to listen to the radio.
KSOP in Salt Lake really likes us. They play "Valley of
Tears" for us.

In about 30 hrs. I will be dead.

Thats what they call it--death. Its just a release--a
change of form.

I hope I've done it all right.

God Nicole. I feel such power in our love. I don't
think we're s'posed to know right now what this is about.
We're just supposed to do it right. It's inside of us; the know-
ledge. But we can't consciously know it till later.

Angel its a quarter to 3 in the mornin. I'm gonna get
some shut-eye. Write you some more in a little. ...

7.

The Mormon boy whom the church sent to look after Bessie was a young married man named Doug Hiblar, and he felt as if he had come a little closer to Bessie in the last month. Sometimes, she still would not let him in, and he would just tell her through the door that he loved her, and leave, but there were times these days when she was receptive, and encouraged by that, he once made the mistake of telling her he understood how she felt. That was an error. Bessie let him have it. "You know how I feel?" she said. "You don't know how I feel." He thought about it and recognized he didn't, and would never know, and did not use such words with her again. Perhaps it made a difference, She seemed to talk to him more after that.

Saturday night before the execution, he went to visit her, even as he had been visiting her all week, and she seemed calm as if she expected the courts would postpone it. She had been talking the week before of going down to Utah, but from something she said, he got the idea that Gary convinced her not to go. Doug figured it would take from her son's strength if he saw her.

Bessie may have looked calm the night before, but she

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couldn't sleep. All week she had been afraid of a night when she would go to bed and wake with the death of everything in her. So, each night, she spent most of the hours sitting up. After Mikal's call would come in each evening from Salt Lake, she might drowse, but then she would stir again, and there would be no more sleep, just the long storm of insomnia to travel through. In her mind, like telegrams she could not bear to open, would appear the words, "How can I reach Gary? How can I tell him what it will do?" For she felt as if a sword would separate one half of herself from the other when the moment came.

← PRIOR REFERENCES CUT

She would try to think of Y Mountain in Provo and how it belonged to her. ^{TWO SENTENCES TO ESTABLISH IF} She thought of the day she went back to Utah when her father was dying, and Mikal was with her, and the child had said, "Will you show me your mountain?" It was night and she had said, "I'll show you in the morning," but the dawn came in with fog, and Mikal remarked, "I don't see a mountain anywhere." He was eight years old.

Bessie said, "It's there, Mikal, and the mountain is telling me that my dad is not going to live," and indeed he died, a few days later.

One of those nights up there in Provo, waiting for her father to die, there had been a rally for a football game,

and BYU students were filing up the mountain with torches. Mikal said, "Mother, come out and look. You have never seen anything like this."

"Oh, Mikal, I have seen it before," she told him. "Remember, this is my mountain."

All her nieces and nephews looked at her as if to say, "Who do you think you are? You don't even live around here." She would smile at them. They did not understand. When people asked her, "Don't you get homesick to come back?" she would reply, "No, but I get homesick to go back to my mountain. Because I own that." She knew they thought she was uppity.

On this recollection, she said goodbye to Saturday night and greeted the dawn.