

'Till Death Do Us Part

It wasn't my goal in life.
I didn't set out to marry
someone on death row.
That was just where the
person I fell in love with
happened to be.



BY MRS. KENNETH GAY AS TOLD TO LAURA McCLURE



PHOTO BY DALE HIGGINS





was an activity director at a Christian retirement home in Southern California when I first started writing Kenny. One of my sons-in-law was already in prison and I had been sending him tracts from church, encouraging him, and he became a Christian in prison up in Washington, so I felt like I was doing pretty well with letter writing. I love people and wanted to reach out to more,

so I started writing a friend of his, also in prison. My sister said it was like I had a small prison ministry. Then one day I was in church and I picked up a pamphlet by Dr. James Dobson—the same Dr. Dobson who started Focus on the Family—and I noticed an ad on the back for the Death Row Support Project in Indiana. They were looking for people who wanted to write to people on death row across America. And that's how I met Kenny. He was in San Quentin, and I was in my early forties. We were computer matched as pen pals.

I got six pen pals from Death Row Support, all men. I thought they were all going to be dead men. One guy in Florida wrote to me and said, "Can't you send me stamps? I can't write, I don't have any stamps," and at the time I thought, "Maybe I'm getting scammed," so I told him, no, I can't take money out of my budget for that. When Kenny wrote to me it was totally different. He said, "I don't know who you are or what you want, I don't want a pen pal, who gave you my name, I hate what's happened to my life, and if you don't ever write to me again that's fine." And I thought, well, here's somebody who really needs a friend, because he was so bitter, so bitter. He also said he believed we all came from apes—that was a challenge. So I kept writing in a nice way about evolution and the Bible. I didn't come see him or anything. And I wrote to him for months and months, and I finally saw a glimmer of his heart when I said "You can call me Mom," because that's what everybody else called me, and he said, "I already have a mother, thank you, I love my mother," and all of a sudden I saw that oh, this guy actually loves somebody. And then things started to change.

I was married then and wasn't looking for romance. But as far as I was concerned, my marriage was pretty much over. I got married young the first time—I was 16—and there was a lot of abuse involved. Finally my youngest—I have four children—turned 18 and left home. This was

what I had been waiting for, to leave when my children were all safe. My husband hit me in the face on the way home from church one day, and my pastor said, "You need to get away right away." And I thought about it, and I decided, "I'll go talk to my friend Kenny in prison." Kenny's half black and half white and comes from a family where all four children have been in prison. I'm Caucasian and I come from a totally different background, and yet we had become really good friends. He appreciated me. That's the bottom line—appreciation.

We wrote dozens of letters to get to know each other before we even met in person for the first time. The first time I saw him, I didn't know what to expect. Kenny was in prison for supposedly killing a cop, but from the very first letter, he'd said, "I'm innocent, and look what's happened to me." He had this big Afro and these little wire-rim glasses, and I'm thinking, "You look like a Berkeley college kid." Of course, I looked like a toothpick back then. We talked through this really scratchy plate glass, and all our visits were glass visits for a while. We didn't really talk about his case—I was more interested in the person—but I came to believe that he was innocent. Everything he said, everything I read, made me believe him. Not that he hadn't done bad things. When we got our first contact visit, he sat me down and told me all these things he had done when he

was young—the crimes, some of it was shocking. But you don't go and execute someone for what they did before. Kenny always told me, "I'm not afraid to die, but I don't want to die for something I didn't do."

And then—I don't know at what point it was—but he was so loving and kind that I started to just love to look into his eyes. I used to be so fixed on Kenny's big brown eyes, I could just melt. So in 1988 I moved to Marin County and got a job as a nurse's aide, and my divorce was final the same year. And it was good for me to come up here; this way I could go out and grow up. I had to finally learn what my Social Security number was and how to

"Hide his chains behind your bouquet," said the guard taking the wedding photo.

Mrs. Kenneth Gay lives in Marin County, and Laura McClure (laura_mcclure@dailyjournal.com) is an associate editor at CALIFORNIA LAWYER.

make a way for myself, to keep a roof over my head, buy a car—all these things I was never allowed to do by my first husband.

Well, all this didn't sit too well with my family. One of my daughters is a law enforcement officer, so we don't talk about my marriage anymore. I once asked another daughter's husband, who was a prison guard, why visitors were treated so badly at San Quentin. He told me, "We're taught that [prisoners are] garbage, and you're digging in the garbage, so you're just like them." And then he gave me this cold stare. From day one, my family thought that Kenny was going to take advantage of me, that I would be living a life of misery, when in reality it's their turning off to me that's made the misery in my life, because I've got twelve grandchildren. My mother was scared for me too, but she later met and liked Kenny.

Getting married was in part my idea. I told Kenny, "I don't want to be some prison girlfriend running in and out of here, I want to be married." So one day, a few months after I moved up here, he got down on one knee in the San Quentin visiting room and proposed. I had never felt so loved.

We got married in a holding cell. And he was shackled, so one of the guards said, "Hide his chains behind your bouquet for the photos." Well, they don't let the brides carry a bouquet anymore. But when we got married, I said I'm going to do this as close to a real marriage as possible, a real outside marriage. So I went and ordered a little heart-shaped wedding cake and a pale blue gown. I had a reception; I decorated my car; I drove over the Golden Gate Bridge honking my horn; and I rode all over San Francisco with a sign that said "Just married. End the death penalty, they're trying to kill my groom." And people would ask me then, "Are you serious, lady?" And I'd say, "Yeah, my husband's on death row for something he didn't do." I even put a wedding announcement in the local newspaper, but I didn't want it to say that he was in San Quentin, so instead I said that we got married in Marin County, and that at a later date we planned to have a honeymoon and tour the U.S. on a motorcycle—one of Kenny's dreams. And do you know they had a sergeants' meeting at the prison the morning that announcement came out and said it was an escape plan? Think about that! I said, "If it were an escape plan, would I advertise it in the paper?" That's how unreal that whole place can be. People always want to know if we consummated the marriage. All I can tell you is that if I were to answer that question "yes," I'd be saying I broke the law. I saved everything from the wedding—receipts for the dress, the ring—because I knew there wouldn't be a lot of what other people would have.

But I really thought he'd be out long before now. We used to dream about the future, that he would get money for being wrongly convicted, that we would take hikes, and where we would go. Once I was convinced he was



Mr. and Mrs. Kenneth Gay:

"I don't want to be some prison girlfriend ... I want to be married."

innocent—by everything I read and by his lawyers at his second penalty trial (his first lawyer was disbarred)—I said, "You know, Kenny, if you're truly innocent, it'll be so much easier to prove it than if you're not." That's how I looked at it. But we don't have a lot of money to buy a dream team. I've watched women gamble every week at Lotto who were going to buy their men an attorney. I say, "Why don't you save your money? If you saved it, maybe you'd have enough for something."

Now it's been almost 17 years since our wedding, and I think the guards know by now that I'm not trying to break him out. And if you look at our anniversary photos, you can see the aging process: 5, 10, 15 years. We really aged together. Now, it's developed into a more mature romance. Just recently I was showing him this spot that I thought was cancer on my arm, and this new guard is a stickler, so he looks over and says no touching, no touching. It ruins the moment. So often we cannot express things in ways that hold other marriages together. Just because he can't buy me a big chocolate heart doesn't mean I don't enjoy Valentine's Day. But it has not been easy. If I didn't have my church to help me, we'd have probably not made it.

Kenny doesn't go into a lot of the misery that goes on inside the prison, but now he tells me more, because I want him to. There are suicides and lockdowns. And I want him to know what's happening to me out here. If the car breaks down, if I'm having trouble with a leaky radiator, he's going



to hear about it. I think he should, so he doesn't have this pie-in-the-sky concept that I'm just out here floating around, which is pretty easy for him to think anyway. To him, a day is just a thought. A car breaking down is just a thought. He's not actually there, he hasn't gotten out and labored like I have.

The men on death row might hate me for saying it, but they adjust. They have their food, and their lousy medical treatment, and their yard, and they hate it, but they adjust. In fact, there are guys in there who believe in the death penalty. I've heard that some gangbangers think it's a big honor to die in the gas chamber. But families, we have to deal with life out here, and employers, and when tax time comes around I have to go into H&R Block and tell them, yeah, I have a husband; and no, he didn't make anything this year, he's an inmate.

I had my insurance company one time cancel my car insurance. I said, "What did you do?" I'd been with Farmers for over 20 years, and I got this really nasty guy—he's dead now, but he said, "You're married to an inmate! Your husband can't drive this car!" It was ridiculous. Anyway, now every year I have to sign a waiver that he will not drive my car.

We wear the prison jacket with them. We're under suspicion at the prison hot and heavy because of who we're seeing, and often we're left with no rights at all. We're almost in the same boat of looking like a criminal.

Half the time I can't wear my wedding ring—it's pushed me into an underground life. My neighbors don't know unless they've figured it out, and usually on forms I'll put down "separated," because we are. Once in a while I'll say something about my first husband, and I've had people call me on that. I've had people tell me that if more people knew, they'd probably support me. But you know what? You don't know, and you can't risk it when you're trying to pay these exorbitant rents.

I'll tell you how I learned to keep quiet in order to keep employment. I do home care for the elderly, so one time I went on a private job, and the mother loved me, and they were going to let me move in downstairs. I was being interviewed by the son, and I looked at him and said, "You know what, I'm going to be real honest with you. You do not have to worry about me in your apartment here. I don't smoke, I don't go out and carouse, and I don't have men home, because I'm married to a prisoner. So you can rest assured." And as soon as I said the word *prisoner*, his jaw dropped and I knew I didn't have the job. And not only did I not have the job, but he called all my references and informed all of them. That is the discrimination I face every day.

You know, I'm one of the last Mohicans who's hung in here. Because the life—the condemnation, the stress, the abuses that go with the prison system and its society—it wears you down. And you adjust to one set of rules one month, and the next month something's changed. Every time there's a change of guards, something changes, so you're in trouble no matter what.

Like the guard one day who said, "Mrs. Gay, are you wearing a flower in your hair?" I said, "Yes, I've worn flowers here for years." He said, "Well, you can't today." I was so mad. I took it off and said, "Here, officer, give it to your wife." It was real pretty, a gardenia or something. So that ended that. And little by little, they chipped away at what days we could visit, what colors we could wear—you have to go in there like a nun now. We all have to wear black or brown now, mostly; we're not allowed to wear white, green, orange, or yellow, and now blue. We have to change our wardrobe. I hardly ever buy anything denim, because it's not allowed, not even on a baby. Now we're not allowed to wear winter scarves, either, or carry an umbrella. That's the way your whole life starts grinding down to these idiosyncrasies.

I have to say, it can be a very depressing life, and I'm not the only one living it. Prisoners' wives come from all walks of life. A lot of them have been abused, like me. In the beginning I formed a support group for wives and family members, because I knew I needed one and I could see that others did too. But I've had some wives make trouble for me, especially those wives who know that I know their husbands are guilty—I'm not going to stick my neck out and say they're all innocent when they're not. Now I see more [prisoners'] moms in the group, fewer wives. With the moms, it's dirt serious—they're locked into this life. As for other people in the anti-death penalty movement, a lot of those young kids are not directly connected, and they don't really understand the seriousness of the situation at all. I don't identify with all those Berkeley-type people. I refuse to align myself with people who are anti-government, anti-war, anti-this, anti-that, all those different issues stuck together into a mishmash. They're not married to it—there's a big difference.

Kenny recently tried to tell me that I'm in my own world, he's in his own world. I said, "No, you're not really out of this world, you're just in a bad part of it." But it's affecting our marriage. He says he hates prison and could be in another ten years. Lately we fight more and more. But what can we do? We can't go in the bedroom, we can't go out to dinner or take a walk, we have to deal with every little disagreement in a confined little padlocked cage.

Kenny has gotten less and less encouraging to me about standing up against the death penalty too, in his case and in others. He's lost faith; I think he feels like God let him down. He says, "You're not going to stop it, do you think you're going to change their minds?"

He's pretty much trying to show the truth in his case in new evidence, under the law. And that's where he's getting blown away, because the law does not really protect an innocent person. You can put that as a bottom line. The way the law is now, it does not protect an innocent person. The few that we see proven innocent—how many do we not see? Who didn't have the money or resources or IQ to keep rattling people to help them? It's just not a good system, and if it's not good enough, they shouldn't be killing people. **CL**