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**“BILLY THE KID AND THE LINCOLN COUNTY WAR AS LITERATURE”  
(SUBTITLE: “REVISIONIST HISTORY AS LITERATURE”)**

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There is buried treasure in New Mexico, buried not by earthy archeological layers - because it is a treasure of knowledge, not of objects: a treasure of historical events buried under forgetting, mythologizing, even hoaxing. Buried is a tale of terrible truth and great glory. And it is buried under concealing stories so often, that the original is not even suspected. The subject is Billy the Kid and the Lincoln County War. And its discovery changed my life, catching me in a current of inspiration and zeal that resulted in my novel, *Joy of the Birds*, which I will discuss today. And, if the treasure is of literary dimensions, the achievement cannot be claimed by me in its writing, but in the magnificence of a story, really lived.

The treasure was not lost by accident. It was purposefully hidden by self-protecting victors of that lost freedom fight – the Lincoln County War - and by the frightened defeated who retreated into a generation of protective silence. Billy, one could say, was the last to die in that war. His death, the earlier deaths of his compatriots, his implacable tracking down, and the intervention of the highest governmental levels, all sealed that frightened silence.

The historical treasure is even obscured by sheer quantity of its documentation, because its original litigious and vocal participants generated mind-numbing quantities of letters, depositions, court testimonies, presidential investigations, petitions, newspaper articles, Secret Service reports, and, much later, books of personal reminiscences. Utilizing all that, the tomes of the best historians are daunting to lay readers. As important for obfuscation - since foul deeds were committed back then - incriminatory facts and documents were kept secret or expurgated by their canny perpetrators, as if prescient about history’s glaring light. As the revolutionary president of Mexico, Benito Juárez, stated: “It is given a man, sir, to attack the rights of others, seize their goods ... make of their virtues crimes, and one’s vices a virtue, but there is one thing beyond that perversity: the tremendous judgment of history.” But New Mexico was keeping those secrets and delaying that judgment.

Nevertheless, people have an inexplicable instinct for truth. And in New Mexico, in the United States, and around the world, for over a century, people did not forget the

self-named youth, William Bonney - called in his life, only by his enemies, “Billy the Kid.” Was he an outlaw like Jesse James or John Wesley Hardin – remembered also? Not at all. In his day, were there other gunslinger boys in New Mexico Territory, directing their aggressive energies to local popular uprisings? Yes. But has the world heard of Clay Allison? He was in New Mexico participating in the forgotten Colefax County War in 1877, a year before the Lincoln County War and Billy’s entry onto history’s stage.

The unforgettable truth about Billy was his charisma. How do people – total strangers - detect that? How does charisma gush away from a person until it becomes a force still felt today? That is a mystery of human perception. We as people can sense when someone is special. But in Billy’s case, his specialness remained oddly separated from almost all his life facts. Ironically, since the myth of his outlawry began in the press over a year and a half before his murder by Pat Garrett, even he would have been aware of his own transmogrification.

And whatever that magic is in Billy’s charisma, it has resulted in unceasing and varied creative stimulation. Ballpark figures on Billy the Kid publications were made in 1997 by a Kathleen Chamberlain for a Bibliography published by the University of New Mexico’s Center for the American West. Not counting official documents and military files, she found almost 1000 items, including 48 movies and 14 documentaries; 157 nonfiction books; 47 novels, short stories and plays; 86 studies of the legend; 151 about other participants in the Lincoln County War; and 86 personal reminiscences. By now, there are far more.

And Billy’s inspiration hit me hard too. It came unexpectedly in July of 1998, near Los Angeles, where I lived. My life track back then was as a Harvard educated M.D. psychiatrist with specialty in forensic consultation in high-profile murder cases. I had a Beverly Hills practice and a big house in the San Fernando Valley. And all I knew about Billy the Kid was that he was an outlaw killed young by a sheriff named Pat Garrett. On that mid-July day – with me unaware that July 14<sup>th</sup> was both the first day of the Lincoln County War 120 years before and Billy’s death date three years later – or even that that the events took place in New Mexico - I was in a Barnes and Noble store, and attracted to a little book on their sales table. The author was Pat Garrett. The title was *The Authentic Life of Billy the Kid*. I bought it. Being a speed reader, it took me under an hour to read at home that day.

*The Authentic Life of Billy the Kid*, I would later learn, was ghost written by Garrett’s friend, a journalist named Ash Upson. It came out a year after Billy’s death; and, written with the dime novel hyperbole of the day, sought the profit wished by both men capitalizing on the outlaw’s coast to coast reputation. But my forensic and

psychiatric background let me read between the lines. First, I was struck by a whiff of Pat Garrett's guilt at the shooting. He appeared to wonder whether Billy had recognized him at the fateful moment of ambush and had chosen – had chosen – not to shoot him. But why would a lawman feel guilt at doing his job?

Then there was the location of the murder. Why was Billy in the mansion bedroom of Pete Maxwell, the owner of Fort Sumner two and a half months after his jail escape? Billy could apparently speak Spanish well. A map search showed me that after Billy's escape against-all-odds from the courthouse jail in Lincoln – and two weeks from hanging - he was about 150 miles north of the Chihuahua border and a life of freedom – he was only 21. He was also 150 miles south of Fort Sumner, New Mexico, where everyone knew him. And he was the most hunted man in the country. He chose Fort Sumner for his destination. My bet was love: great love.

An internet search revealed millions of entries under Billy the Kid, but the first site I chose was the “Billy the Kid Outlaw Gang.” One of its presidents, Carolyn Allen, listed her telephone number. I called her and asked if there was a girl involved in the story. She said, “Paulita Maxwell.” And Paulita would have been 17. Carolyn Allen said that, back then, the Maxwell's were among the richest families in the Territory.

Then it hit me: An ambush of a true-love in a brother's bedroom, a little before midnight, with Billy's young lover awakened by the blast. Soon I learned that Paulita was believed to be pregnant with Billy's child. How had that the homeless drifter, Billy Bonney, gained the love of that heiress? Why had her brother betrayed him? And, again, why had Pat Garrett hinted at guilt? It seemed like a Greek tragedy, with each character bearing fatal secrets and fatal passions in a countdown to doom.

Greatly intrigued, I purchased relevant history books, the most erudite and extensive being Frederick Nolan's masterpiece, *The Lincoln County War: A Documentary History*. And I learned about that war, and about Billy's two bosses: John Henry Tunstall and Alexander McSween – both murdered in the conflict. Carolyn Allen - that Billy the Kid Outlaw Gang president – emphasized what Nolan, bound by historical science, which necessitates documents as proof, could not fully do: she called the war a fight against a land-grabbing, political cabal called the Santa Fe Ring. That put Billy on the side that lost. Could the outlaw myth be part of victors writing the history, I wondered. Was the Lincoln County War really an unsung freedom fight, a grass roots revolution against political corruption only a little more than a decade after the Civil War's victory for democracy gave hope?

And Nolan had described the role of the Secret Service, of Special Operative Azariah Wild, who had been sent to New Mexico to track down Billy: the last of the

Lincoln County War's fighters who was not killed or had fled – an intolerable gadfly. Was this one of the first examples of Secret Service murder for political ends? Was President Rutherford B. Hayes involved? Just how powerful was the Santa Fe Ring?

Then I read a small masterpiece of research - a book of under 100 pages – by Jerry Weddle titled *Antrim Was My Stepfather's Name*, about Billy's early adolescence first in Silver City, New Mexico, next in Arizona. Originally, Billy was "William Henry McCarty," though illegitimate, then "Antrim," following his mother's marriage to William Henry Harrison Antrim when Billy was 13. Her tuberculosis death by the next year left the boy homeless and dependent on jobs in butcher shops and at a hotel - as well as petty crimes. Finally imprisoned for theft in '75, he escaped through the jailhouse chimney – the first of increasingly spectacular escapes – and fled to Arizona. There his criminality escalated to stealing saddles then horses, in a two year stay culminated by his murder of a bullying blacksmith named Frank "Windy" Cahill. And, now seventeen, he galloped escape from the grizzly scene on a stolen horse. The trajectory was New Mexico Territory and history.

But, for me, there was again an intriguing missing piece to the story. Here was a delinquent boy on a straightforward path toward outlawry, with murder now on his résumé. In New Mexico, he even took the precaution of the alias William Bonney. And in his first newspaper story there – he had already received Arizona press with the Cahill killing – he was involved in a stagecoach holdup along with the notorious outlaw, Jessie Evans, and his boys. Since Evans was also a Santa Fe Ring thug enforcer and rustler for the Ring, Billy seemed not only to be fulfilling his outlaw destiny, but to be entering the lofty criminal sphere of Ring employment. That was September of 1877. But something strange happened on Billy's way to depravity.

Billy met a man named John Henry Tunstall.

By late 1876, Tunstall, an only son of a wealthy British mercantile family, had chosen Lincoln town in Lincoln County to further his family's fortune through his creation of a large store there, as well as starting two cattle ranches on rivers south of the town. In fact, it was Tunstall's charming and profuse letters to his family that inspired Frederick Nolan's first book, called simply *John Henry Tunstall*, which constituted primarily those letters themselves. I read Nolan's book. And I was struck by the saturation of love in the Tunstall family. And I was struck by Tunstall's astounding inability to perceive either the danger or evil around him. There was the poignancy of an idiot or of an angel – too vulnerable or too pure for the earthly plane.

And I believe that Billy saw that pure goodness also. A month after starting his Ring career – by October of '77 - he gave it up to work as a ranch hand for Tunstall. I

believed that the outlaw boy was seduced by that sheer goodness onto the path of honesty. And Tunstall's horrific Ring murder 4 ½ months later, I believe, was the catalyst that converted the antisocial tendencies of Billy Bonney into the anti-Ring fierceness that would propel him through the war, through its killings, and to a willingness to risk death as a rebel with a cause.

I had my saga: a Romeo and Juliet-style love story set against a doomed freedom fight. Grippled by the fervor of its telling, gripped by the urgency for its telling, I sold everything, and left my California life and career – without reluctance or even the sadness of parting - to move to a New Mexico mountain to write my book.

I thought it would not take long. The writing felt effortless as the story unfolded. But the additional goal I had – possibly from my medical and forensic meticulousness - was to create a virtual world. I did not want merely to give opinions through a narrator – after all I had to write fiction to fill in the missing pieces of history and motivation – I wanted the reader to enter that world and make their own conclusions, since my telling diverged so much from the conventional. So it took about 40,000 pages of archival documents and books as well as over 300 expert consultants in everything from firearms, to Victorian costume, to geology, to astronomy, to chuck wagon cooking to make that world come alive. And it took ten years.

And I discovered even more buried treasure of inspirational opportunity: because in New Mexico, one can still return to every site in that old history. I did - sometimes off-road with a tracker guide, sometimes to tourist places like the town of Lincoln, differing mostly from Billy's day simply by pavement of its single street. And the awe that I was seeing what the 19<sup>th</sup> century freedom fighters saw never wore off; and it deepened my commitment to telling their true story. I walked up the narrow stairway to the second floor of the old Lincoln Courthouse, sat on the window ledge from which Billy shot Deputy Bob Olinger in his great escape, went into the Mesilla courthouse where the Ringman judge, Warren Bristol, sentenced Billy to be hanged – even though it is now a souvenir shop – and went to the old Fort Sumner cemetery and realized that Paulita is buried just 40 strides from Billy.

My literary goal was not historical fiction. I was after a *Gone With the Wind* of the West, an American *War and Peace*. By that I mean a quest for universal truths in the context of the story. That is where the title of my book - *Joy of the Birds* – comes in. Those words “joy of the birds” came to me when I was still in California and thinking about this story I was going to tell. Driving down a suburban commercial street I saw a flock of pigeons circling. And I felt their joy at being alive, even in the unnatural backdrop of car dealerships, stores, and asphalt.

Early in my book, that image and that feeling appears. Billy is 14, visiting an old Hispanic woman on Silver City's Chihuahua Hill. She knows he is unaware that his mother is dying, but wants to give him wisdom for his hard life to come. She takes him outside, points at circling bandtail pigeons, and says that she will tell him about the joy of the birds: they know that you can fly and fly without any fear because there is only one moment of death and then you have eternity.

But when you get messages from wise old crones in novels, they generally contain more than meets the eye. She is teaching the boy about the great hero journey of life: the hero journey that the author, Joseph Campbell, called the universal theme of all mythology. And *Joy of the Birds* is a hero journey; it is the way Billy will lead his life. The woman is not saying, "Don't worry about death; there's Heaven, after all." She is talking about fear: and fear comes in many forms – fear of setbacks, fear of failure, fear of being unloved. And if you are fighting corruption, if you are fighting true evil, there is fear of social sanction, fear of economic consequences, fear of litigious repercussions, fear of danger to one's family and friends, and, ultimately, fear of assassination. Fear alone can turn you from the moral path – your own hero journey. But there is more to the wise woman's lesson. To walk that journey with a martyr's dreary self-pity belies the grand realization of the miracle of being alive, and obscures the willing entry into the meaningful amazing current of one's personal story. The real hero's test is to walk the path with joy. And I believe that the historical Billy, so full of humor and joie de vivre, did just that.

I am not saying that a reader must look for the symbolism. *Joy of the Birds* can be read as the blood, guts, and romance story that it is. But for those so inclined to seek deeper meanings – like those deeper meanings one can discover in real life – I have built in the great cosmic struggle of good and evil, of light and darkness, of Billy and the Devil. As one character says, "Lincoln County is the moral proving ground. It will break you where you're weakest." The reader will see each character faced by the inescapable pressure and temptations of Santa Fe Ring evil, and see how each person breaks in his or her own way. Very few can walk the hero journey path to the end. For some it is a matter of greed: profiting from Ring alliance or compliance. For some it is fear of opposition's consequences. But, since I am, after all, a psychiatrist, for some it is the tracing of character flaws that are also fracture lines. That extrapolation allows me to answer why Governor Lew Wallace, after promising Billy a pardon for murders committed in the Lincoln County War, reneged, knowing he was sending the boy ultimately to an unjust hanging. And Lew Wallace was not a member of the Santa Fe Ring. Even Billy's own flaws will lead to the time and place of his death. He is certainly no Christ figure in my telling.

The text of *Joy of the Birds* is also divided into three cycles: each ending with a death – three books in one. They represent the deepening tragedy, but also demonstrate that, as the recognition of Santa Fe Ring evil becomes more obvious, each character is forced to act or retreat: to live like a hero or to fail. The first ending is Tunstall’s death: the death of someone good, but unaware. Next ends the life of Huston Chapman, the attorney brought in by Alexander McSween’s widow to litigate against Fort Stanton Commander N.A.M. Dudley, whom she held responsible for the murder in the Lincoln County War of her husband and the arson of their home. Chapman knew about the war and the Ring, but accepted the job without fully conceiving the mortal risk of opposing near-impenetrable evil. Last to die is Billy himself.

Did I achieve the great American tragedy for which I strove? Time will tell.

But added in, as layered and parallel stories, are foreshadowed ecological perils represented by the holocaust slaughter of 60 million buffalo, in less than half a decade, by men like Pat Garrett and John William Poe – ultimately Billy’s murderers – and the tracking down and killing of the great and rebellious Apache chief, Victorio, whose death almost coincided with Billy’s, and one of whose hunters was Attorney Albert Fountain, the man who was also Billy’s last and betraying attorney at his hanging trial. As the period of the Frontier passed almost within the time-frame of Billy’s life, as barbed wire ended the open range which had made real the experience of this country’s freedom and potential, and as the Santa Fe Ring was forming a colluding, pay-to-play, gluttonous power elite, the country was becoming what we have before our eyes today.

So one can say I was also writing political satire. *Joy of the Birds* begins with a fictional, old timer living in today’s Lincoln, looking back to his family’s traditions about Billy and the Lincoln County War, but also commenting on the present. He says, “I do agree with this here book that politicians back then were crooks; but they’re the same today. It flustrates me that them big guys get away with so much. In Billy’s day, they were called the Santa Fe Ring. You know what a Ring is? It’s when government guys, judges, sheriffs, lawyers, and rich fellas are in cahoots to line their own pockets. And they use rough guys to get what they want. And if you try to fight them, everywhichaway you turn, you’re blocked by one protecting the other, even the newspapers keeping their dirt under the rug. That original Ring thought up the whole dang legend of Billy the outlaw to frame him and hide their own shenanigans. Folks in New Mexico today are still scared of the Santa Fe Ring, some saying it never existed. Truth is, now it’s called “the good ol’ boys” (even though some are gals). And people still feel vunreble cause, get on their bad side, and your next visitor might be death.”

My old timer, of course, speaks for me. He concludes: “So I’ll leave you with a warning. When you read this here book, you become a part of it. What I’m meaning is that you’ll have to face Billy’s question yourself: will I stand up to corruption so’s

democracy is protected? Like the author told me, ain't many willing to walk that path to the end."

When *Joy of the Birds* came out, it was read by the grandson of John Henry Tunstall's sister, Minnie Tunstall-Behrens. His name is Hilary Tunstall-Behrens. The family still lives in London. He and I spoke on the telephone. He thanked me and said, "You set straight the history." I could not hope to do more for Billy and his fellow fighters in the Lincoln County War by my *Joy of the Birds*.