

HISTORY This Week EP. 307: Lincoln County War EPISODE TRANSCRIPT

NOTE: This transcript may contain errors.

Sally Helm: HISTORY This Week. February 18, 1878. I'm Sally Helm.

A warm winter evening in the New Mexico territory. A group of men is leading their horses along a mountain trail. They don't know that they're riding into danger. But they do know that danger is never that far away. This is the Wild West—and it feels that way, especially to these particular men. They're in the middle of a brewing conflict down in a nearby town. And they know it could turn ugly.

In fact, on this day, the leader of these men, John Tunstall, turns to one of his friends as they ride. And he says, "Robert, old fellow." (He's British—you can imagine a British accent.) "Robert, old fellow: if you die or get killed first I will take care of all there is left of you... you will do the same for me, won't you?"

And his friend says, yeah. Don't worry. I will.

Suddenly...a flock of turkeys rises up on the side of the road. The perfect opportunity for a hunt. The men scatter to shoot what birds they can. But at that very moment...another group of horsemen emerges over the crest of the hill.

According to letters written at the time, the Brit, John Tunstall, rides towards the approaching men. He knows they aren't friendly, but he seems to think he can negotiate. And they call out to him, telling him he won't be hurt...but then...almost immediately...draw their guns and shoot him right through the chest. And then the head, for good measure. They even shoot his horse. It's a brutal murder. One witness wrote that Tunstall was killed in cold blood.

The other men, just off the trail hunting turkey, watch the whole scene unfold. Included in their number is a future notorious outlaw: Billy the Kid. And as Billy and the others stand over Tunstall's corpse, they vow to avenge their boss's murder. Over the next five months, as much as a quarter of the county's population will be killed.

Today: The Lincoln County War. How did this murder turn a community into a battlefield? And what does this conflict reveal about how we understand the Wild West?

(PREROLL)

Sally Helm: John Tunstall arrives in New Mexico territory as a 24-year-old looking to make his fortune. He even compares the territory to California just before the Gold Rush. He's expecting a land of opportunity.

Paul Hutton: This kid doesn't have a clue what he's getting into.

Sally Helm: Paul Hutton is a history professor at the University of New Mexico. He's lived there for over 40 years, so he knows a thing or two about the place. Tunstall, on the other hand... does not.

Paul Hutton: He's pretty horrified when he steps off his buggy in isolated Lincoln, New Mexico. It's dirty. It's miserable. It is lousy, as they used to say, that simply means that when you try to sleep, the bed bugs come marching out.

Sally Helm: From the start, this Englishman was out of place.

Paul Hutton: He is highly cultured. He's arrogant. He is backed by his father who has considerable means. He has, it would seem, relationships with other men and all of this sets him apart as a “dandy”, from the rest of the hard-nosed settlers out in Lincoln county.

Sally Helm: Those settlers are mostly white men who moved out West after the Civil War. But there are also people who've lived in Lincoln much longer. Like the Mescalero Apache, who had lived on the land long before their reservation was formally established in 1873. And Hispanic settlers, from Europe and from south of the border.

Back in the 1870s, New Mexico isn't a state, but a territory. It's isolated. Disconnected from the rest of the country. The forces of law and government that do exist:

Paul Hutton: Are all deeply, deeply corrupt.

Sally Helm: Guns are everywhere. And alcohol is cleaner than water. So there are a lot of people walking around kinda drunk, probably armed, ready to shoot.

Paul Hutton: If you're walking down the streets of Lincoln, New Mexico in 1879, you were on the most dangerous street in the United States of America. Just simply to travel from point A to point B puts you at risk. There's no law.

Sally Helm: For these new settlers, that's kind of part of the appeal.

Paul Hutton: They're not living out here because they love the climate, although it is the land of enchantment. They're out here to make their fortunes and they're determined to do so.

Sally Helm: Tunstall is one of those men. And while he may have been naive about the workings of the Wild West, he does show up with a plan.

And when he steps out of his buggy onto that street in Lincoln County, he is looking right at it. Among small mud adobe buildings, alongside a very large number of saloons, is one bigger, more prominent building. It's known as "The House."

Sally Helm: What was the House?

Paul Hutton: The House is a two story stucco building. A mercantile operation. It housed, uh, legal offices. It housed a huge general store and that general store was the lifeblood of the community.

Sally Helm: The House is backed by the corrupt territorial government, which is known as the Santa Fe Ring. And they basically run law enforcement:

Paul Hutton: The sheriff is their man. The Outlaws are wearing badges.

Sally Helm: They control the judicial system. And the post office—so they can read everyone's letters.

Paul Hutton: It was almost like an octopus that was strangling the people.

Sally Helm: And because it's pretty much the only game in town, basically all of Lincoln county is in debt at the House's store.

Paul Hutton: So there was a lot of hostility among settlers, both the poor white ranchers and the Hispanics down in Lincoln County toward the House.

Sally Helm: And this newly-arrived, wealthy, 24-year-old Englishman wants to seize on that hostility, for his own gain. He's met a lawyer named Alexander McSween. McSween is a recent transplant too, from St. Louis. And together, they hatch a plot.

Paul Hutton: Let's go into business. Let's compete with them. Let's become the new ring down in Lincoln county. And so that's their game.

Sally Helm: Step one: establish a new mercantile operation right down the street, where farmers could trade future crops in exchange for other goods.

Paul Hutton: It's like, there was already a Walmart and now there's a Kmart.

Sally Helm: Step two: Start a cattle ranch and outbid the House on its government contracts.

Paul Hutton: This is the only high income that comes into New Mexico. It was all government money.

Sally Helm: Step three: consolidate power.

Paul Hutton: Their goal was to control everything.

Sally Helm: So same as the House basically, it's not like they exactly have nobler aspirations than the House does.

Paul Hutton: Absolutely not. It's all money.

Sally Helm: Tunstall's new operation pretty quickly attracts a following. Competition, after all, means lower prices. And many of the younger guys in town are fascinated by Tunstall himself.

Paul Hutton: Kind of worship him. They kind of feel that you know, he, his breeding, his intellect is so far above what they have, that he's sort of a towering figure to them.

Sally Helm: One of the guys who ends up in Tunstall's orbit is a young man named Henry McCarty, better known as Billy the Kid.

Paul Hutton: Certainly the best known human being who ever lived in New Mexico. There's only the one photograph of him. It doesn't show him as particularly handsome, but he seems to have been one of those characters who had such an oversized personality that it didn't matter what he actually physically looked like. Everyone thought he was handsome. And, just incredibly brave. He could be charming one moment and he could be a cold-blooded killer the next.

Sally Helm: When he crosses paths with John Tunstall, Billy is a teenaged orphan. He basically has no one.

Paul Hutton: And, Tunstall showered the kid with gifts, a horse, a saddle, a six gun Winchester. And Billy said to one of his friends, it's the only thing anyone's ever given to me in my life. And he was determined to support this Englishman who is so foreign to this rough and tumble kid of the west.

Sally Helm: So Billy the Kid and the other young men start working for Tunstall. They act as cowboys at his ranch, and bodyguards at his store.

And Tunstall needs a bodyguard. Because what he and McSween are doing...it is not going unnoticed. The House is powerful. They don't like this challenge. And one day, they decide to do something about it.

On a warm February evening, they ambush Tunstall and his men on that mountain trail. The Englishman—naive to the end—goes up to them, unarmed, to try and negotiate. He never had a chance.

Paul Hutton: Billy swore over Tunstall's body vengeance upon everyone who had a hand in the killing, and this cold blooded murder began the Lincoln County War.

Sally Helm: The Lincoln County War. The battle lines are drawn. Billy the Kid, the lawyer McSween, and their allies call themselves "The Regulators." They'll face off against the House and its allies.

Paul Hutton: Now it just becomes an exchange of murder after murder after murder.

Sally Helm: The Regulators track down three of Tunstall's killers and shoot them.

Paul Hutton: Each man is found with 11 bullets in his body as they were trying to escape.

Sally Helm: A doctor in town describes the atmosphere as, quote, "Warlike. Soldiers and citizens armed. Great danger of being shot." Then on the first day of April, things really escalate.

Billy the Kid and some of the other Regulators are eating breakfast at the Tunstall store. And who should they see walking up the street but Sheriff Brady.

Gwendolyn Rogers: And supposedly he was headed to what is known as the convento, at that time it served as a convent, the saloon, and the courthouse.

Sally Helm: We heard the story from Gwendolyn Rogers, president of the Lincoln County Historical Society. She said the Regulators knew that the sheriff was aligned with the House. And so they seize their moment.

Gwendolyn Rogers: It was the code of the west. They witnessed the death of Tunstall, the death of his horse, and they knew who did it and they were going to take care of the situation.

Sally Helm: They walk out of the Tunstall store, leaving their breakfast behind. And take their positions behind a wall, ready to shoot.

Gwendolyn Rogers: And when he and his deputies got in front of the Tunstall store, they just opened fire.

Sally Helm: Sheriff Brady and one of his deputies are killed. Some regulators are wounded. Including Billy the Kid. One of them—possibly Billy himself—ends up hiding back inside the Tunstall Store, underneath the floorboards.

Gwendolyn Rogers: And you can still look at it today when you go there, you can see where the boards were taken up.

Sally Helm: Billy the Kid survives. But Sheriff Brady lies dead in the street. Someone presumably cleans up the body. And the breakfast dishes. And a new, bloody phase begins.

Paul Hutton: So now, the war has really escalated.

Sally Helm: Paul Hutton again.

Paul Hutton: They have killed, he might be corrupt, but he is the legal sheriff of Lincoln county, so they have really put themselves outside the law, by this action.

Sally Helm: The next day, there's a shootout that leaves one House man mortally wounded, and one Regulator dead. A few weeks later, there's another attack that leaves a House man with his ankle shattered, and, quote, "quite a slice of ham" torn off his leg.

Paul Hutton: You've only got a few hundred people in the whole area for heaven's sake, and the body count is really building. It's just gunfire all the time.

Sally Helm: Finally, by July, the lawyer McSween decides, enough is enough. It's time for the Regulators to face off against the House directly.

Paul Hutton: McSween decides just to have a showdown. And this sets up what becomes known as the five day battle.

Sally Helm: The five day battle. A colonel at a nearby army fort writes of this time in Lincoln County. "The town is at the present in a perfect state of war."

[AD BREAK]

Sally Helm: On Sunday, July 14th, five months and countless bullets after the death of John Tunstall, Alexander McSween, Billy the Kid, and the other Regulators are ready for a faceoff. They make their way to Lincoln's one main drag, and take up their positions.

Paul Hutton: Billy and many of the boys are in McSween's house, which is just simply a few yards catty corner from *the House*.

Sally Helm: Another group of Regulators is in a different family home on the street. Another in a place called the Ellis store. And the town is so small that the Regulators essentially have it surrounded.

Paul Hutton: They really control entry and exit from the town. And in this way they think they're going to take over the town.

Sally Helm: There's casual gunfire being exchanged this whole time. And things aren't looking good for the House. Massively outnumbered, they watch as the Regulators turn McSween's home into a fortress: windows barricaded with bricks. Portoles drilled into the walls.

The Regulators are in prime position. This should be the moment when they overwhelm the House for good.

Paul Hutton: But they make a mistake.

Sally Helm: On Tuesday, July 16th, a group of powerful people nearly gets caught in the crossfire.

Paul Hutton: There are some soldiers in town, Buffalo soldiers from nearby Fort Stanton, and they fire 'em.

Sally Helm: No one is actually shot. But the regiment's commander, Colonel Nathan Dudley, says he now has cause to march his troops into town. Ostensibly for, quote, "the preservation of the lives of the women and children." But Dudley:

Paul Hutton: He is really also just like Sheriff Brady, a creature of the House. Completely corrupt himself.

Sally Helm: Hutton told us, Dudley is likely taking kickbacks on the lucrative beef contract that his fort has with the House. It's clear whose side he's on.

Paul Hutton: McSween, Billy and the boys knew full well what Dudley's interference meant. They knew Dudley was not a neutral party. And he's got artillery with him for heaven's sake.

Sally Helm: On the morning of July 19th, Dudley's troops take their positions outside the sheriff's camp, their guns seemingly pointed right at the Regulators. And they wedge themselves between the Regulator outposts, weakening their strategic position.

Paul Hutton: And so McSween and Billy and the men in the house are really isolated. And in this way they're completely surrounded and doomed.

Sally Helm: It's estimated that more than two thousand rounds are fired over the course of the night. In an act of desperation, McSween's wife crawls out of the house on her hands and knees, then scrambles up the street to Dudley's camp:

Paul Hutton: Mrs. McSween goes out and pleads with Colonel Dudley to intervene to stop the bloodshed. Dudley refuses.

Sally Helm: And then...Dudley sits idly by as the House's men set fire to the McSween's house.

Paul Hutton: The fire moves from room to room very slowly because it's adobe, it's not burning, but the ceiling is burning.

Sally Helm: As the flames spread, the House's men close in. McSween's wife later writes that the Regulators were "driven from room to room as the fire increased till the last room was consumed." It's too much for her husband to handle.

Paul Hutton: McSween is completely devastated by everything that has happened. And he sits in the house sobbing with his hands over his face. Has essentially a nervous breakdown right on the spot. And Billy has to kind of take charge.

Sally Helm: Billy decides that they have two choices: stay put and die, or run. So, under the cover of night, he rallies some of the other men to make a break.

Paul Hutton: And of course the flames are leaping into the sky. They're surrounded on all sides. First man out the door's shot dead. Billy leaps over his body, a pistol in each hand, lit by a firelight, he blazes away and manages to escape into the safety of the forest.

Sally Helm: McSween, in his broken state, is left behind. He leaves the building, trying to surrender. Instead, he's shot to death.

Paul Hutton: McSween's body, as well as those of the others killed alongside him were just left there. In fact, Mrs. McSween talked about how she saw birds pecking at their eyes. I mean can you imagine this?

Sally Helm: The Regulators have lost this battle. Decisively. The House men celebrate.

Paul Hutton: They had an all night drunk, that's what they did.

Sally Helm: The next morning, you can still smell the remnants of smoke in the air. Terrified residents emerge from their homes to get water, feed their animals. Here's Gwendolyn Rogers again:

Gwendolyn Rogers: The Hispanic settlers at the time spoke of how they were so afraid. You know, this went on for days and that their children were crying because they couldn't even go out and milk the cow. There was that much gunfire.

Sally Helm: The entire town has become a casualty of a war fought between two sides, each driven by greed.

Paul Hutton: Maybe it was a war without heroes. Maybe it was a war between two corrupt sides. And maybe it was an example of the incredible corruption in the west at the highest levels.

Sally Helm: The five day battle is over. And the Lincoln County War is winding down. But the legend of Billy the Kid has just begun. He's one of the only Regulators not offered amnesty for his actions. So he tries to negotiate with the new territorial governor, a man named Lew Wallace, who's come to clean up New Mexico's corruption. The Kid even agrees to testify against the leader of the House, in exchange for a pardon.

Paul Hutton: Even though this is a death sentence to do this.

Sally Helm: Billy holds up his end of the bargain and testifies. But:

Paul Hutton: Wallace meanwhile is busy writing his novel *Ben Hur*, which he finishes and then he's off to the east on a book tour. He hated being in New Mexico to begin with and so he reneges on his pledge of a pardon for Billy.

Sally Helm: Instead, Wallace publishes a warrant for The Kid's arrest.

Gwendolyn Rogers: Somebody was going to pay and they said, "okay, we'll just make it the orphan cowboy."

Sally Helm: Gwendolyn Rogers again.

Gwendolyn Rogers: He's been a thorn in everybody's side since the get go. And we'll just put an end to this.

Sally Helm: Billy is arrested. Locked in a cell where, the sheriff wrote, "even the light of day is denied admittance."

Gwendolyn Rogers: Billy wrote eloquent letters to Lew Wallace, begging him to meet with him.

Sally Helm: "I expect you have forgotten what you promised me, this month two years ago, but I have not," he writes. "I have done everything that I promised you I would, and you have done nothing that you promised me." He signs the letter, "Patiently Waiting."

But Wallace never comes. The Kid stands trial, and is sentenced to death. He's sent back to Lincoln, where he's shackled to the floor of a makeshift jail in the old House building, of all places. Paul Hutton told us what happened next.

Paul Hutton: There are two deputies, a man named Bell who Billy likes and a character named Ollinger who hated the Kid and kept pointing the shotgun in the Kid's face and promising him both barrels if he tried to escape.

Sally Helm: One day, Billy tells Bell he needs to use the bathroom. On their way back up the stairs:

Paul Hutton: Billy turned, he probably overpowered Bell and took Bell's pistol. And as Bell tried to run down the steps, Billy shot him and killed him. Now he's still shackled. His legs are still shackled—

Sally Helm: But somehow he runs upstairs and grabs the shotgun that belonged to the other guard, Ollinger. Ollinger is across the street when all this happens. And by the time he realizes that something is amiss, Billy is at the window—the last thing Ollinger sees is his own shotgun pointed right at him.

Paul Hutton: Billy then leisurely has someone cut his shackles, borrows a horse. He in fact promises to send the horse back, as he rides out of Lincoln and into legend because this is, the escape is so incredible.

Sally Helm: While the details of the Lincoln County War have been largely forgotten, the name Billy the Kid certainly survives. According to PBS, he's been the subject of more films than almost anyone in motion picture history. Hutton told us he personally tried to avoid the Kid in his own research for years, because:

Paul Hutton: Down that road lies madness.

Sally Helm: A lot of people who look into Billy the Kid end up getting obsessed. To this day, Hutton gets almost weekly emails from people who claim to have unearthed some previously unknown photograph of Billy in their attic. And Hutton gets it.

Paul Hutton: How can you not love the Kid? He's Robin Hood morphing into Peter Pan. He's the boy who never grows up. And of course he dies at 21.

Sally Helm: When he's finally chased down and shot by a sheriff.

Hutton says Billy's legend persists partly because it has come to stand in for a romantic idea about life in the old West.

Paul Hutton: Fighting against the machine in the garden, standing up for the old days for the pastoral, against the railroads, against the factories, against everything that's going to ruin the west.

Sally Helm: But there's more to Billy the Kid—stuff that's not so romantic. He murdered a lot of people. And there's more to the West, too.

Paul Hutton: We built such a great romantic aura around the west and around the story of how it made America. And now of course, there's a new story that's coming forward. A story about, about violence against minorities, a story about the dispossession of the Indians, that's more disturbing. And, eventually I think those stories will coexist side by side.

Sally Helm: Courageous cowboys... And corrupt motives. Defending honor, driven by greed. Everyone fighting for their own vision of freedom...or fortune. A messy picture of the real Wild West.