

City Business
“Why Would Hico Want a Pardon for Billy the Kid?”
by Michael Leamons

For those who read last week’s column, skip this first paragraph. For those still with me, the short answer is tourism. Because of Hico’s “Brushy” Bill Robert’s connection to the Billy the Kid story, any new twists, such as the call for a pardon, should bring more visitors to town (curiosity is a strong motivator). Those visitors might buy a gift or souvenir, refuel their vehicles, eat a meal or possibly even seek lodging while here. Sales keep our merchants in business, provide jobs for their employees and bring revenue into City and County coffers.

What justification is there for a pardon? Some historical context is required. The only crime Billy was convicted of was the murder of Lincoln County Sheriff William Brady. Brady’s was one of a string of murders committed during a period of violence in Lincoln County, New Mexico, known as the Lincoln County War. Prior to the “War,” Lincoln County was largely controlled by the Murphy/Dolan faction who held lucrative government contracts to supply beef to the Mescalero Indian Reservation, who had a monopoly on local business with their retail and banking enterprises and who were well connected in the Territorial Capitol with a powerful political association known as the “Santa Fe Ring”.

Troubles emerged when English-born John Tunstall bought a ranch and moved to Lincoln County. Partnering with the Murphy/Dolan faction’s former attorney, Alexander McSween, and with the support of the cattle baron, John Chisum, Tunstall opened his own banking and mercantile operation. Tunstall also wanted to compete for the government beef contracts.

The public appreciated the competition Tunstall brought to town and flocked to his businesses. The Murphy/Dolan faction didn’t take well to the new circumstances, and having control of the local court and Sheriff Brady, they decided to respond with harsh measures. On February 18, 1878, Tunstall, accompanied at a distance by his men (among whom was Billy the Kid), was shot and killed by members of a posse of Murphy/Dalton men deputized by Sheriff Brady. Thus began the Lincoln County War.

The Tunstall faction entertained no hope of Sheriff Brady bringing himself or his men to justice, so Tunstall’s men convinced the local Justice of the Peace to swear them in as constables authorized to bring in Tunstall’s killers. This new group of officers were known as the Regulators. Though not the leader, Billy was among their number. During the next two months, the Regulators killed Sheriff Brady and 4 other members of the Murphy/Dolan faction. During the ensuing months, more members of both sides were killed.

The War ended in July with the “Five-Day Battle.” Contradicting a direct order from President Hayes, a detachment of soldiers from Fort Sumner under the command of Col. Dudley helped the Murphy/Dolan faction trap the Regulators in McSween’s Lincoln home. At the end of the standoff, the McSween house was burned. McSween and some of his associates were shot down while fleeing the building; Billy and others escaped.

Later, McSween’s widow hired Attorney Huston Chapman to bring members of the Murphy/Dolan faction to justice for the murder of her husband. With Billy as an innocent bystander, Dolan and a member of his gang shot Chapman, poured liquor on his

clothes and set him on fire. In a move to clean up the Territory, Territorial Governor Axtell was removed and replaced with Lew Wallace (who later wrote Ben Hur). Disturbed by details of the Murphy/Dolan beef contracts and by the recent murder of Chapman, in 1879, Wallace secretly met with the Kid on at least two occasions. In exchange for the promise of a pardon, Billy testified against Dolan and against Col. Dudley. Evidently, the political pressures were too great; the pardon was never issued. Instead, Billy was held for trial and in 1880 was convicted of the murder of Sheriff Brady and was sentenced to hang. History records his escape, and his later alleged death at the hands of Sheriff Pat Garrett.

With all the killings that took place, Billy was the only participant in the Lincoln County War ever convicted. Where is the justice in that? Based on the extraordinary circumstances of the times and based on Gov. Wallace's promise, a posthumous pardon should be granted.

In 1950 at the age of 90, Hico's "Brushy" Bill Roberts went to New Mexico in an attempt to secure the pardon promised so many years before. He was promised a private hearing with then Governor Mabry. Instead, he was greeted by a governor flanked by reporters, descendants of Pat Garrett, a descendant of Sheriff Brady, the current Eddy County Sheriff and numerous State Police Officers. Governor Mabry asked frivolous questions and refused to issue a pardon. Another promise broken. Brushy's health was shattered by the ordeal; he died less than a month later. Today, the current Governor of New Mexico has an opportunity, at least partially, to remedy an injustice and deliver the pardon now 131 years overdue. Two weeks ago in downtown Hico, not far from where Brushy Bill expired, Mayor Tooley made a fitting appeal, "Governor Richardson, please pardon Billy the Kid."

May God bless the City of Hico.