The Burners

Tito Carr

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To my loving wife Maura, who is certain all shall be well.

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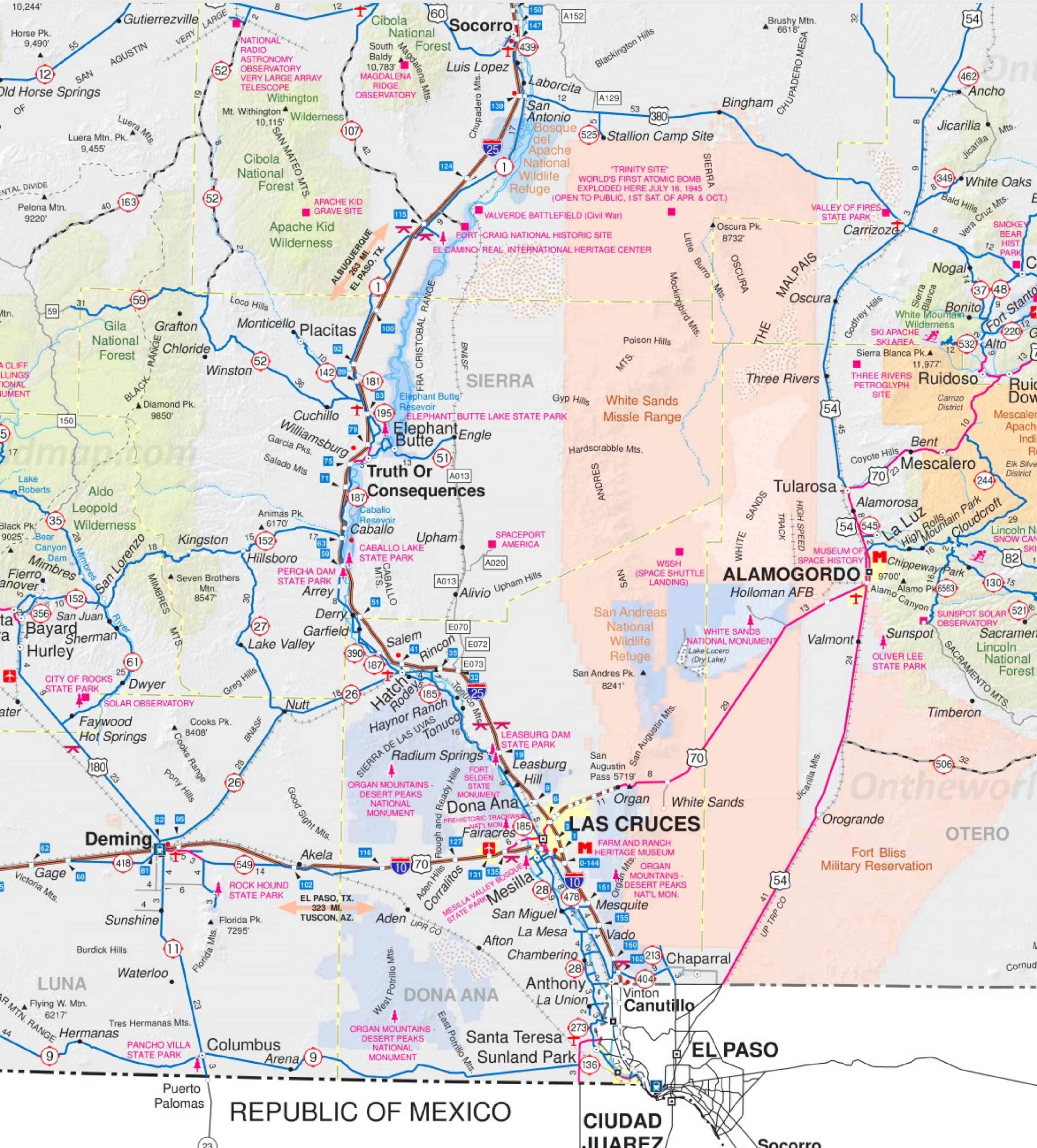

Socorro
Cibola National Forest
South Baldy 10,783'
MAGDALENA RIDGE OBSERVATORY
Magdalena Mts.
NATIONAL RADIO ASTRONOMY OBSERVATORY VERY LARGE ARRAY TELESCOPE
Gutierrezville
Horse Pk. 9,490'
SAN AGUSTIN
Old Horse Springs
Luis Lopez
Laborcita
San Antonio
Bosque del Apache National Wildlife Refuge
Stallion Camp Site
Bingham
Brushy Mtn. 6618'
CHUPADERO MESA
Blackington Hills
Chupadero Mts.
Withington Wilderness
Mt. Withington 10,115'
SAN MATEO MTS.
Luera Mts.
Luera Mtn. Pk. 9,455'
Cibola National Forest
APACHE KID GRAVE SITE
Apache Kid Wilderness
Pelona Mtn. 9220'
"TRINITY SITE" WORLD'S FIRST ATOMIC BOMB EXPLODED HERE JULY 16, 1945 (OPEN TO PUBLIC, 1ST SAT. OF APR. & OCT.)
VALVERDE BATTLEFIELD (Civil War)
FORT CRAIG NATIONAL HISTORIC SITE
EL CAMINO REAL INTERNATIONAL HERITAGE CENTER
ALBUQUERQUE 263 MI. EL PASO, TX.
Oscura Pk. 8732'
Little Burro Mts.
OSCURA
THE MALPAIS
Oscura
Mockingbird Mts.
Ancho
Jicarilla
Jicarilla Mts.
White Oaks
Bald Hills
Vera Cruz Mts.
VALLEY OF FIRES STATE PARK
Carrizozo
SMOKEY BEAR HIST. PARK
Nogal
Sierra Blanca
White Mountain Wilderness
Bonito
Fort Stanton
SKI APACHE SKI AREA
Alto
Sierra Blanca Pk. 11,977'
Godfrey Hills
Loco Hills
Monticello
Placitas
Gila National Forest
Grafton
Chloride
Winston
BLACK RANGE
Diamond Pk. 9850'
FRA CRISTOBAL RANGE
SIERRA
Poison Hills
Gyp Hills
White Sands Missle Range
Three Rivers
THREE RIVERS PETROGLYPH SITE
Ruidoso
Carrizo District
Mescalero Apache Indian Reservation
Elephant Butte Reservoir
ELEPHANT BUTTE LAKE STATE PARK
Cuchillo
Williamsburg
Garcia Pks.
Salado Mts
Elephant Butte
Engle
Hardscrabble Mts.
Coyote Hills
Bent
Mescalero
Elk Silver District
Lake Roberts
Aldo Leopold Wilderness
Truth Or Consequences
Animas Pk. 6170'
Caballo Reservoir
Caballo
CABALLO LAKE STATE PARK
CABALLO MTS.
Upham
SPACEPORT AMERICA
ANDRES
WHITE SANDS
HIGH SPEED TRACK
Tularosa
Alamorosa
La Luz
High Rolls
Mountain Park
Cloudcroft
Lincoln N.F. SNOW CAN. SKI
Black Pk. 9025'
Bear Canyon Dam
Mimbres River
San Lorenzo
Kingston
Hillsboro
PERCHA DAM STATE PARK
Arrey
Seven Brothers Mtn. 8547'
MIMBRES MTS.
Upham Hills
Alivio
WSSH (SPACE SHUTTLE LANDING)
SAN
MUSEUM OF SPACE HISTORY
ALAMOGORDO
Chippeway Park
Holloman AFB
Alamo Pk. 6563
Alamo Canyon
Fierro
Hanover
Mimbres
San Juan
Bayard
Sherman
Hurley
Derry
Garfield
Lake Valley
Salem
Rincon
San Andres National Wildlife Refuge
WHITE SANDS NATIONAL MONUMENT
Lake Lucero (Dry Lake)
San Andres Pk. 8241'
SUNSPOT SOLAR OBSERVATORY
Sunspot
Valmont
Sacramento Mts.
Lincoln National Forest
OLIVER LEE STATE PARK
CITY OF ROCKS STATE PARK
Dwyer
SOLAR OBSERVATORY
Greg Hills
Hatch
Rodey
Nutt
Haynor Ranch
Tonuco
Tonuco Mts.
Faywood
Hot Springs
Cooks Pk. 8408'
Cooks Range
BN&SF
LEASBURG DAM STATE PARK
San Augustin Mts.
Timberon
SIERRA DE LAS UVAS
Radium Springs
Leasburg Hill
San Augustin Pass 5719'
ORGAN MOUNTAINS - DESERT PEAKS NATIONAL MONUMENT
FORT SELDEN STATE MONUMENT
Rough and Ready Hills
Pony Hills
Good Sight Mts.
Organ
White Sands
Jicarilla Mts.
Orogrande
OTERO
Dona Ana
PREHISTORIC TRACKWAYS NAT'L MON.
LAS CRUCES
Fairacres
Deming
Akela
FARM AND RANCH HERITAGE MUSEUM
Fort Bliss Military Reservation
Gage
Victoria Mts.
ROCK HOUND STATE PARK
Aden Hills
Corralitos
MESILLA VALLEY BOSQUE STATE PARK
Mesilla
Organ Mts.
ORGAN MOUNTAINS - DESERT PEAKS NAT'L MON.
Mesquite
EL PASO, TX. 323 MI. TUCSON, AZ.
Sunshine
Florida Pk. 7295'
Aden
UPR CO
San Miguel
La Mesa
Vado
UP TRP CO
Burdick Hills
Florida Mts.
Afton
Chamberino
Chaparral
Waterloo
LUNA
DONA ANA
West Potrillo Mts.
Anthony
La Union
Vinton
Canutillo
Flying W. Mtn. 6217'
Tres Hermanas Mts.
Hermanas
PANCHO VILLA STATE PARK
Columbus
Arena
East Potrillo Mts.
Santa Teresa
Sunland Park
EL PASO
Puerto Palomas
REPUBLIC OF MEXICO
CIUDAD JUAREZ
Socorro

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Part 1: Alberts' Saga

How Albert Fountain Travelled East to the Southwest

There was a man named Albert Fountain. He was powerfully built, not too short, with pale blue eyes. His hair was always neatly trimmed, and he was clean-shaven except for a wide mustache that swept across his face. People called him striking rather than handsome. He became known as Colonel Fountain for his rank in the New Mexico militia. His father was Solomon Jennings, a merchant sea captain from Staten Island. His mother came from a French Huguenot family—Fonteyn, then Fontaine, and finally Fountain after two centuries in the New World. Albert had three sisters: Marguerite, Henrietta, and Fannie; and two brothers, John and Edward. Fannie married the owner of a New York ship building company; Edward became a Shakespearean actor. We don't know much about the others. Captain Jennings disappeared in the South China Sea when Albert was sixteen. Soon after, Albert left his studies at Columbia College and took off for Europe with some friends and a tutor. Instead of returning to New York, the boys quit their tutor and sailed from Holland to South Africa, then on to Asia. The trip became a fruitless search for Albert's father as well as a lark. Around this time he changed his name from Albert Jennings to Albert Jennings Fountain. It's not clear why. From Canton he shipped east, arrived in California during the gold rush, and found work as a reporter for the Sacramento *Union*. The newspaper sent him to Nicaragua to cover William Walker's filibusterers in their slave-holding republic. Walker arrested Fountain and sentenced him to death, but Fountain escaped disguised as a prostitute. Albert was working as a law clerk back in Sacramento when the Civil War broke out. A strong believer in Union, he joined up with General Carleton's California Column and marched across the southern desert to reinforce Federal forces in New Mexico. He threw himself into army discipline and drilled hard. By the time he

saw his first action at Apache Pass, halfway between Tucson and the Rio Grande, he made first sergeant.

Fountain's Company E, the Column's forward squadron, pushed ahead of Carleton's main force with two howitzers and twenty supply wagons. They marched at night because of the heat. Dust from their trek spread so thick the teamsters couldn't see their lead mules. By the time they reached the Chiricahua range they were out of water. Apache Pass had an old Butterfield Stage station and the only spring for fifty miles. Two Apache chiefs, Mangas Coloradas and Cochise, were waiting for them in the boulders above the gap with four hundred fighters. A young Geronimo was there too, as were Lozen the seer and her brother Victorio from the Mimbres band. Cochise wanted revenge for his arrest by Union soldiers who hanged his brothers when he escaped. Mangas wanted to avenge the shame of a whipping by miners in the Mogollons after he was jumped and tied to a tree while meeting under a flag of truce. They took Company E by surprise. When the Apaches opened fire, the company fell back. Captain Roberts, the company commander, called for Fountain.

"Sergeant, we need water. Take your squad to the spring and fill your canteens. Then get the hell out of there."

"Yes, sir," said Fountain, ready for his first action. "Just give us some cover."

The howitzers poured fire and Fountain's squad raced ahead. When they were in sight of the spring they let out a cheer just as a sheet of flame spewed from the rocks above. Fountain saw a bullet slam the face of the private to his right. The soldier dropped dead in his tracks with his jaw shot away, blood and teeth spewing from the hole where his cheek used to be. As his troops fell back they heard whoops and taunts in a jumble of tongues—some Apache, some Spanish. Fountain swore he heard in clear, plain English: "Run, you sons of bitches," and "Get the hell out of our country." Damn those heathens, was all he could think. The soldier's throats were so parched they had to whisper their curses. Desperate for water, they regrouped and took the pass after advancing more carefully. Years later Cochise told Fountain they would have beaten the soldiers easy if it hadn't been for the cannon. It was the Apaches' last pitched battle—from then on they stuck to guerrilla tactics.

When the California Column reached southern New Mexico, Fountain was stationed at Fort Fillmore just down the Rio Grande from Mesilla. Confederate troops were long gone, so Carleton kept his troops busy scouting the valley and clearing irrigation ditches. Tomás Pérez was a young farmer assigned to guide Fountain's patrol. His family had moved up the Rio Grande from San Elizario after it was attached to the Republic of Texas. Coming back late one evening, the patrol spent the night at Pérez' home in Mesilla. The next day Fountain told Tomás he wanted to marry his sister.

"I don't know if she wants to marry you," said Tomás. "But she would never go to California."

"Then I won't go back to California," said Fountain.

"You'd have to get my father's consent," said Tomás. "And he doesn't speak English."

"Then I'll learn Spanish," said Fountain.

Mariana Pérez de Ovante, Tomás' sister—a slight girl with rich, dark hair that fell past her waist—seemed much older than her sixteen years. She was devoted to her family, religious, nervous and reserved. Fountain spent his weekends courting her at the Pérez home. When his company was ordered down to Franklin, Fountain hurried to Mesilla for a farewell dinner. After several toasts, in slurred but decent Spanish, he asked Señor Pérez for Mariana's hand. They were married two months later. Mariana gave birth to nine Fountain children: Marianita, Maggie, Catarina, and Fannie; Albert, Edward, Tomás, Jack and Henry. Fannie died in infancy. Henry was murdered with his father when he was eight. Tomás joined Poncho Villa's army and was captured and executed in Parral; Edward was shot dead at Pinos Altos near Silver City. Over the years, Mariana Fountain would go to any length to protect her family's good name. She was loyal to her friends, and always quick to answer the slightest insult. The children received a strict Catholic education.

By the time the California Column marched into El Paso, Canby's Colorado volunteers had pushed Sibley's Texans back to San Antonio. The only thing for Union soldiers to do was confiscate secessionist property or fight Mescaleros. The Mescalero

Apaches were killing settlers in the Sacramentos and rustling cattle, horses, sheep and mules. The Army gradually rounded them up and sent them to Bosque Redondo on the Pecos, then sent troops west to bring in the Navajos. After making first lieutenant, Fountain was ordered to Fort Craig on the Jornada del Muerto to catch Navajos breaking out of the Bosque back to their homeland in the Four Corners. Before long Bosque Redondo was a crowded concentration camp that began to fall apart when Kiowas and Comanches raided from the east. Fountain and Mariana had two children now. He left the California Column at the end of his tour to start a law practice in Mesilla. Two months later he told Mariana he couldn't earn a living there.

"Too many damn lawyers," said Albert.

"When the war's over things will pick up," said Mariana.

"We can't wait that long," he said.

"So what will you do?" she asked.

"Whatever they'll pay me to do."

The next day Fountain took a job as an army scout and was back in the familiar terrain of the Jornada. So few Column veterans re-enlisted that security at Bosque Redondo fell apart. General Carleton tried to save his failed Indian policy as best he could, and commissioned Fountain captain in the New Mexico volunteers to raise a cavalry company. Recruiting was hard and the Army had to offer fat signing bonuses. Fountain put together an outfit of Americans, Mexicans, and Indians, with fugitives from Texas to Arizona. Some were French deserters from Maximilian's army and others Mexican deserters from Juarez's army—mostly horse thieves, stage robbers, and bandits. He called them the rakings and scrapings of three frontiers, and said they fought well. People barricaded their doors when they came by and said they would rather see the Navajos.

Fountain's company was patrolling the Jornada when word came that Ganado Blanco and a band of Navajos broke out of the Bosque and were headed west. Carleton wanted them killed or captured before they crossed the Rio Grande. Captain Fountain called his outfit together.

“I need a volunteer to scout the San Andres with me,” he said. The men looked at each other with bloodshot eyes. “We can get to the springs before they cross.” The troopers glowered at him as he waited for an answer.

One of the French soldiers finally spoke up. “Booty, Captain?”

“Of course,” said Fountain. “Any stock we capture. Carleton’s word.”

Three men stepped forward. He chose Val Sanchez, his best scout. Sanchez was an uncanny tracker who smoked like a fiend and drank whenever he could. They found the main body of Indians at Cuenca Springs and knew Ganado Blanco would send an advance party to scout the best place to cross the river. They also figured the party would stop on their way at a water hole thirty-five miles to the north. Fountain and Sanchez slipped away from the springs ahead of the Indians and hid themselves in a spot overlooking the muddy seep. The Navajos soon arrived to water their horses. Fountain lay in the salt grass watching through his field glasses when he saw them suddenly run to their mounts, pointing his way.

“Sanchez,” he whispered, as the startled Indians raced toward them. He heard Sanchez curse and turned to see him with a blanket, beating a brush fire that was spreading out of control from his lit cigarette. “Forget it, corporal. They’re coming after us.”

They threw their coats over some soap weed as decoys and rode hard for Fort McRae. When they saw the Indians cut off their route, they turned north toward Paraje. They reached a spring twenty miles away when they saw the Indians had cut off that route too, so they pressed east into the lava bed of the Malpais. Near dusk they came to a narrow pass on the scoria they had to cross single file.

“I’ll go on ahead,” said Fountain. “You follow back out of sight.”

Sanchez nodded. “All right,” he said, “but I don’t like it. This is a dead place. It’s burnt to cinders.”

“There’s nothing to like,” said Fountain. “If something happens to me, ride as fast as you can.”

Fountain was halfway up the trail when the pack mule he was leading reared back, jerking his bridle hand that held the lead rope and throwing up his horse’s head. A rifle bullet fired from ten feet away smashed through its forelock and the animal fell

dead. As the horse went down, a volley of fire put an arrow in his left shoulder, another through his right arm, and a bullet through his left thigh. The pass wasn't wide enough for more than one Indian to charge at a time. Lying on his back under the dead horse, Fountain let loose with his Henry repeating rifle. His firepower took the Navajos by surprise. After a pause that barely gave him time to reload, he looked up into the face of a young warrior. As the Indian lifted his lance, Fountain fired with the rifle extended in one hand like a pistol. The face disappeared. It was over in less than a minute. By then it was getting dark. He tied his scarf above the torn artery in his right arm and settled against the rock wall for the night, waiting for the Indians' final assault at daybreak. A rescue party arrived from Fort McRae before dawn. The Indians were gone. The patrol took Fountain to Fort Bliss where a surgeon cut the arrow from his shoulder, and he spent the next two months recuperating.

Reconstruction Texas-Style

El Paso had opportunities for young lawyers, especially a Republican ex-Union officer who spoke good Spanish. The Federal Property Commission hired Fountain to search titles of former Confederates before auctioning off their property. He became trustee and local agent for the repossessed Butterfield Overland Mail station, with free lodging for his family there. Before long he threw in his lot with W. W. Mills, the Republican boss of the Pass. Mills was a short, cocksure man, quick-tempered and abrasive. He settled in El Paso before the war when his wagon broke down on the way from Indiana to California, was jailed as a Union sympathizer when war broke out, escaped and returned with Canby's Federal troops. Lincoln appointed him customs agent and he began to dispense patronage like a king. With Mills' support, Fountain was elected county surveyor. Then Mills made him customs inspector. General Sheridan made him an election judge under the Reconstruction Act. He was appointed Assessor and Collector of Internal Revenue for West Texas. For two years the leading Pass Republicans—Frank Williams, A. H. French, Gaylord Clarke, and Fountain, lawyers all, with Mills in charge—took good care of each other. When a San Antonio businessman named Sam Maverick gained title to half the Guadalupe salt beds, Mills and Fountain formed a corporation with Clarke and Williams to get the other half. Fountain couldn't wait to tell Mariana. At dinner one night he told her they were going to be rich.

Mariana smiled back at him. "Yes. Someday," she said.

"Someday soon," said Albert. "We're in the salt business."

"The *salinas*?" said Mariana.

"Yes, the *salinas*. I'm a partner. We're going to own them," he answered.

"Querido, I don't think that's such a good idea," said Mariana.

"Why not?" asked Fountain. "Maverick did it."

"He's exporting," said Mariana. "If you take the other half, the people here will have to pay for it."

Albert spread his arms with a flourish. He said that was precisely the point. Mariana just shook her head.

“Albert, I know my people. They’d rather fight than pay for something they’ve been taking free for a hundred years.”

“You don’t think they’d get used to it?” he asked.

“They don’t have the money. And do you think you’d ever win an election in this county?”

Fountain pulled out of the deal.

El Paso Republicans named Mills their delegate to the state reconstruction convention. He went to Austin to draw up a new constitution so Texans, fed up with military occupation, could rejoin the Union. Republicans dominated the convention, though it wasn’t long before they split into warring camps: a radical wing under Edmund Davis, and conservatives under former governor A. J. Hamilton. Radicals like Fountain wanted a hard reconstruction to disenfranchise ex-secessionists and give freed slaves the vote. When Mills married Hamilton’s daughter during the convention and joined the conservatives, Fountain felt betrayed. He vented his outrage in the newspapers by calling his El Paso mentor a traitor and opportunist. Mills answered by firing Fountain as customs inspector. The Republican split was so deep that each faction held its own nominating convention. Radicals nominated Davis for governor and Fountain for state senator; the conservatives ran Hamilton for governor and his new son-in-law Mills for state representative. The only El Paso crony to join Fountain at the radical convention in Corpus Christi was Frank Williams. Benjamin Franklin Williams was an ex-Confederate, a Democrat who switched parties after the war looking for new opportunities. The rest of the El Paso crowd stuck with Mills. Fountain’s fiery speeches to the delegates at Corpus Christi caught Davis’s attention, and Fountain had Davis’ ear one evening as they talked campaign strategy. He said Mills was a problem.

“The man is ruthless and I fear he has no principles,” said Fountain.

“He’s certainly ambitious,” said Davis. “And influential.”

“Something needs to be done,” said Fountain.

“I agree,” said Davis. “What would you suggest?”

“What would your friends in Washington think of a man who betrayed Reconstruction holding a lucrative Federal appointment?” asked Fountain.

Davis indicated not favorably.

Soon after the convention, Mills was charged with corruption and fired as customs agent. “Fountain is the worst of all villains,” Mills told his backers in El Paso, “a treacherous ingrate.” Fountain and Williams campaigned fiercely against the conservatives. They won the Mexican vote by claiming Mills and his crew were planning to steal the salt beds. With the Negro vote, and ex-Confederates barred from the poles, radical Republicans swept the state. While Fountain celebrated, Mills paced the streets of El Paso with his gang. Assassination rumors criss-crossed town. Fountain and Williams kept their guns handy and loaded. When Mills returned to Austin he took his case to the newspapers, charging election fraud and threatening lawsuits. Back in El Paso Fountain received a visit from the Antonio Barajo, the parish priest. Father Barajo was the leader of Mexican voters in the Pass. Everyone knew that any member of Barajo’s flock who didn’t vote the priest’s way would never be buried in consecrated ground.

“Let me congratulate you on your victory, Senator,” began Barajo as they shook hands on Fountain’s porch. “I was glad to deliver it for you.”

Fountain looked at him suspiciously. “I’d say Williams and I worked our fair share.”

“Let’s not fool ourselves,” said Barajo. “You know how loyal my people are to the church. All this Reconstruction business is not their concern. Now that you’re elected they want to know what you will do with the salt beds,” he continued.

“I intend,” replied Fountain, “to do exactly what I said in my campaign. I will introduce a bill to give title to the people of El Paso County.”

The priest smiled and leaned closer. “I have a better idea. You have the power now. You can put the *salinas* in your name, and share the revenue with the church. The people trust me to look after their interests.”

“Sorry, Father,” said Fountain. “I can’t do that.”

“Why, are you afraid to make some money?” asked the priest.

“No,” said Fountain. “Because even if I didn’t land in jail, it would jeopardize my career.”

“Your career will be jeopardized if you don’t. Think it over.”

“I think you better leave, Father,” said Fountain.

“You’re a smart man, Senator. But you’re still very young,” said the priest. Father Barajo gave a stiff bow and left.

It rained the whole way back to Austin, an eleven-day stagecoach ride through mud and ruts. As he looked over the dull grasslands, Senator Fountain had plenty of time to plan his next steps. He was eager to start work on his radical agenda the moment he arrived. Governor Davis asked him to speak at his inauguration ceremony. He was named senate majority leader and became the governor’s right hand man. After the new constitution was approved and presented to Congress in Washington, the provisional legislature adjourned. Fountain had to stay in Austin to map strategy for the regular session. He missed Mariana, but she was reluctant to leave the children. He finally persuaded her to leave them with her family in Mesilla and join him. Austin seemed a strange new world. Within a week she said, “Alberto, this place is too busy for me. I want to go home.”

“Not yet,” he replied. “I want to show you off.” He clasped her hand, but she pulled it free.

“I like my new clothes, but the way people stare at us when we walk down Congress Avenue makes me nervous.”

“They’re curious about the senator’s pretty wife. And they’re showing their respect.”

“I don’t know. I don’t trust their respect.” Despite her misgivings she did as her husband wished and stayed until the recess was over. She was relieved to get back to El Paso and away from the stares.

Congress accepted the new constitution and readmitted Texas to the Union. Federal troops withdrew. As majority leader, Fountain spearheaded legislation for the radicals. But when they were about to introduce their bills, conservatives and Democrats presented a flood of private measures that triggered long debates. Fountain

suspected a plot. On his advice, the governor hired spies and private detectives. They found a crowd of Democrats and conservative Republicans meeting regularly at a downtown hotel with former legislators from the pre-war and Confederate governments. These advisers, banned from office by the new constitution, helped Fountain's enemies plan tactics to scuttle Davis's bills. The spies reported the conspirators' next move would be a walkout by twelve senators to break the quorum when Fountain called for a vote on the militia bill.

The morning Davis' militia bill was set for a vote, Fountain spoke to the sergeant-at-arms: "If anyone tries to leave the room when the vote is called, stop them. By force if necessary." The sergeant alerted his assistants and they took up positions by the chamber doors. When Fountain demanded a roll call vote, E. L. Alford of La Grange rose from his seat as if seeking to be recognized. Alford was a former radical who feared Governor Davis wanted to impose martial law. Instead of speaking, Alford turned and walked toward the door. Eleven more senators rose and filed behind him. The sergeant-at-arms blocked their path but Alford shoved him away. When they saw the door blocked by his three assistants, Alford's troupe veered to a committee room off the main chamber and bolted themselves inside. Fountain conferred with the senate president while the sergeant tried to smash open the door, then shouted loud enough to be heard inside, "On behalf of the President of the Senate of the State of Texas, I order you to return to your seats."

"We do not recognize the authority of the senator from El Paso in this matter," Alford shouted back. "We will not return to our seats until we're good and ready. We refuse to be kept here by force. We insist that we be allowed to leave the chamber."

"In that case," Fountain replied, "I will instruct the sergeant-at-arms to place each of you under arrest. He will place you in your seats by force and you will be charged with contempt of the Senate of the State of Texas." The sergeant-at arms broke through a window into the committee room before the insurgents could shutter it, and returned them to their seats. The senate president informed them they were under arrest pending an investigation of their conduct; Fountain was named chairman of the investigating committee. Eleven of the senators received a reprimand. Alford was

expelled, but returned to his seat in the chamber every day for the rest of the session anyway.

After the militia bill passed, the city of Austin named Fountain the featured speaker at its Fourth of July celebration. He gave a dramatic reading of the Declaration of Independence. The only local legislation he sponsored that year was a proposal to give ownership of the Guadalupe salt beds to El Paso County. Just before the bill came to a vote, a delegation arrived from El Paso and presented him a petition with four hundred signatures from the citizens of San Elizario, Socorro, and Ysleta objecting to any change in the status of the salt beds. Senator Fountain, puzzled, withdrew the motion.

When the legislative session ended, Fountain returned to El Paso to win over Mills' backers with his own patronage. He named Clarke district judge and French state police captain. Somehow he passed over his old ally Frank Williams, thinking it more important to erode support for Mills. It turned out to be a bad decision. While making his rounds of local leaders, Fountain called on Luis Cardis. Cardis was an Italian refugee from Garibaldi's Freedom Legion who married a woman from a leading Mexican family and settled at the Pass at the end of the war. He was slim, elegantly dressed by El Paso standards, and did well in trade on both sides of the border. He allied himself with Father Barajo but neither political party. After greeting Fountain with a formal bow, they swapped pleasantries in Spanish until Fountain came to the point of his visit. He asked Cardis if he was behind the *salinas* petition. Cardis was expecting the question. He replied that he was, along with Father Barajo. "We had to protect the people," he added.

"That's what I thought," said Fountain. "But tell me, how did you get them to go along with something against their interests?"

Cardis laughed. "Whose interests? All these people have family in Chihuahua. They need salt, too. It was easy to convince them your scheme would cut them off. They have trouble understanding your border."

"But what do you and Barajo hope to gain from all this?" asked Fountain.

“First let me make my proposals to you, Senator. You control patronage right now, but your future depends on good relations with everyone. You have to spread the wealth. Your man Marsh must go as collector of customs and I must be made customs inspector. Father Barajo wants control of the public schools, with authority to select the teachers.”

“What about the salt beds?” insisted Fountain.

“There’s a fortune in the salt beds,” said Cardis. “You take them. Charge for the salt. Just give Father Barajo his due.”

Fountain asked why Cardis and Barajo didn’t just take title to the salt beds themselves.

“No, Senator. That wouldn’t be right,” said Cardis. “The King of Spain himself granted the people their right to the *salinas*. It’s guaranteed by the Treaty of Guadalupe Hidalgo. How would it look? We support the people’s interests. And you should remember the people vote for the candidates we support.”

“But aren’t you afraid I just might keep all that money?” asked Fountain.

“No,” said Cardis. “You know you wouldn’t live long if you did.”

Fountain told him he couldn’t go along with any of it.

“I’m not surprised,” said Cardis. “But understand that war will begin against Marsh. If you can’t support us at least stay out of the way.” Cardis left without shaking hands.

Cardis didn’t mention Frank Williams. Cardis and Barajo talked to Williams every chance they got. When the three of them met on the street one day, Cardis told Williams: “Fountain thinks you don’t have the nerve to stand up to him. That’s why he made Clarke judge. He has no respect for you.”

“Mills is right,” said Father Barajo. “The man has no gratitude. He treats his friends worse than his enemies.”

“You got that part right,” said Williams. “But we’ll see who has more nerve.”

When he wasn’t in court, Williams was drinking at Dowell’s saloon making threats against Fountain, Clarke, and French. When Fountain found out he tried to mollify his former ally.

“Williams,” said Fountain, “I’ll find something for you just as soon as the legislature reconvenes.”

“Keep your promises, Fountain,” said Williams. “You’re a lying son of a bitch. I’m not putting up with any more of your insults.”

“You talk like you’re drunk,” said Fountain.

“This isn’t just talk,” said Williams.

Fountain avoided him as best he could until one night Williams was drunker than usual. He announced to everyone at Dowell’s he was going to kill Fountain and his gang the next time he saw them. Fountain got word and found Williams the next morning still drinking at the bar. He bought a cigar from the bartender and slipped onto the seat next to him.

“Williams, you’ve been saying a great deal about what you’re going to do about certain gentlemen in this town,” Fountain began, hanging his cane on his arm as he slowly lit the cigar. “You ought to curb your tongue.”

“Maybe you better curb it,” Williams shot back. Fountain heard a click. When he turned he saw Williams pull a derringer revolver from his belt and point it at Fountain’s chest. From Williams’ look, Fountain didn’t think he was bluffing.

“If you pull that trigger you’ll get more holes through you than you ever bargained for,” said Fountain. He whipped his cane down on Williams’ right arm as Williams got off three shots. The first one struck Fountain’s left arm; the second hit five letters and the watch in his breast pocket; the third passed deep through his scalp. Williams bolted outside, dashing down the street while Fountain staggered after him and bumped into Judge Clarke on the his way to the saloon. He told the Judge to call a posse while he went home, wiped the blood from his face and grabbed a rifle. Fountain hurried back to the house where Williams roomed to find Clarke out front with the posse—three men breaking in the front door with axes—and Captain French in the back with three others to block an escape. Suddenly the men dropped their axes and ran as Williams appeared on the porch with a double-barreled shotgun. He fired one blast at Clarke, missed, and raced after him. Clarke dodged around an adobe pillar but Williams decoyed him and met him coming around the other side.

“Don’t you dare, Williams,” said Clarke. Williams fired the second charge point blank into Clarke’s chest. The Judge staggered a few paces before falling dead with smoke pouring from his wound. Fountain dragged himself within fifty yards of Williams, took aim, and fired off a rifle shot that spun Williams around and knocked him to the ground. As Williams rolled over to pull his pistol, French came up and shot him twice in the head. The second shot ripped off the top of his skull.

Fountain lost a lot of blood from his wounds in the scuffle at Dowell’s. The bullet deflected from his heart gashed his side and broke a rib. It healed eventually, as did his arm. The head wound left his left leg weak. He was still recovering when he returned to Austin for the next legislative session. They named him President of the Senate and he managed to get his last major piece of radical legislation, an education bill, passed. But the political climate was changing fast. Once the Union army left, most of the newspapers in the state turned on the radicals. When the papers found out the chaplain of the senate, an Episcopal minister, performed a wedding ceremony between a white man and a black woman, they accused radicals of ruining Texas with race mixing. Sympathy quickly grew for the Klan’s campaign to scare off black votes. Mariana felt the change right away.

“I can’t stand this place anymore,” she said. “I’m leaving.”

“I know it’s bad, Mariana,” said Albert. “We’re not very popular these days.”

“They call you a carpetbagger.”

“I know.”

“They call Mexicans greasers.”

“I know.”

“They call our children half-breeds. They hate us.”

“I know. But I have to stay.”

Mariana took the stage for El Paso the next day. Soon after she left, Mills, Hamilton, and prominent Democrats led a “Non-Partisan Tax Payers Convention” in Austin. It declared the acts of the Davis administration unconstitutional. When Democrats won a senate majority in the next election, grand juries handed down indictments for Davis and Fountain. Pressure from Washington quashed the Davis

indictments, but seventeen charges of forgery and defrauding the federal revenues stood against Fountain. The case went to trial prosecuted by ex-governor Hamilton. In his defense, Fountain presented meticulous records of his financial transactions. His attorney proved the two chief prosecution witnesses—Mills and Cardis—perjured themselves, and despite Hamilton's vow to "annihilate the whole Republican administration from Davis to the town constable", the jury acquitted Fountain on all counts. But his finances were drained and he could see the radical Reconstruction agenda was dead. He served out the legislative session as minority leader fighting a rear guard action to salvage what he could of his legislation. His bills fell one by one. He returned home to face enemies all around in Mills and the salt ring crowd. He had no future in El Paso.

"I want to go home," said Mariana. "I hate Texas."

"Well, New Mexico is still Republican," said Albert.

So they packed up their children and moved back up the river to Mesilla.

Mesilla was still the seat of Doña Ana County when the Fountains returned, though Las Cruces, its new Anglo neighbor just north, was growing fast and would soon overshadow it. Old Mesilla still had the court and the Federal Land Office, and this time Fountain's law practice thrived. He built a new house near the square and joined the Masons. He started the Mesilla Dramatic Association—made the sets, rewrote the script, and starred in its first production: "Bombastes Furioso". The comedy was a local hit. The troupe was invited to perform in Las Cruces, El Paso, and Albuquerque. Newspapers likened Albert to his brother Edward, the Shakespearean actor. Fountain's next scheme was newspaper publishing. He found financial backers and started the *Mesilla Valley Independent* to boost the territory and promote his causes. He lobbied the railroads to make their route through Mesilla. When Mesilla lost out to Las Cruces, he championed legislation to promote public education. He attacked the Jesuits for seeking property tax exemptions and a franchise to teach the public schools. This earned him the resentment of the territory's Catholic majority and, even with a Spanish edition, the *Independent's* readership plunged. He then turned the paper's focus to a law and order campaign against gunmen who were drifting into town

from the Lincoln County wars, or driven from Texas by the Rangers' success against cattle rustlers. He soon received anonymous notes saying he would be "shot like a dog" or "killed on sight" unless he backed off. The boost to circulation for his paper, and the pubic outcry he hoped to spark against the local crime spree, were disappointing. He took warning shots on his way home from work. One evening while he was at court in Hillsboro, his sons Albert and Thomas were working late in the composing room when two men sprayed the windows, lights, walls and furniture of the newspaper office with gunfire. The boys dived under a table as bullets flew over their heads. Mariana was furious. Fountain liquidated the business soon after. It was insolvent anyway.

The Last Band

Victorio was an Apache chief whose people raided the Mesilla Valley for generations. He was short, slim-waisted and wide-shouldered, with sharp features that made him look serious even when he wasn't. His Tchihene name was Biduat. Some people claimed he was a Mexican snatched as a boy from Hacienda del Carmen in Chihuahua and raised among the Mimbres, but he wasn't. When he was ten years old he escaped the Tennessee scalp hunters who massacred Juan Jose Compa and his band at the Santa Rita copper mine. Victorio had one wife and five children. Lozen was his sister. She was a physician and a seer, with power to heal and a special power to locate an enemy. She never married, but was held in high enough regard to go on raids as a fighter. After their war with Mexico, the Americans gave the Tchihene land for a reservation near Ojo Caliente in the Black Range just west of the Rio Grande. The Tchihene were content enough to live in their homeland while neighboring tribes were rounded up and herded to Bosque Redondo. They even tried their hand at farming, though young men still liked to raid with other Chiricahua or the Mescaleros now and then. Fountain met both Victorio and Lozen when he was at Fort McRae. The war wasn't over yet but prospectors were swarming over the Black Range, most of them old forty-niners mustered out of the California Column. Victorio and Lozen went to the fort to complain about them. Lozen looked like Victorio's twin brother in her warrior dress. Fountain greeted them cautiously after making sure his men were ready at their stations. He had been waiting for retaliation from the Tchihene ever since soldiers from the California Column assassinated Mangas Coloradas, cut off his head and boiled it, stripped off the flesh and sent his polished skull to a New York phrenologist who concluded his brain was bigger than Daniel Webster's. The skull ended up lost in the Smithsonian.

"We've come to avoid trouble," said Victorio, though Lozen looked like she was spoiling for a fight.

"What kind of trouble?" asked Fountain.

"The whites on our land," said Lozen, "digging up the mountains."

"They've been told it's Apache territory," said Fountain.

“Then they don’t listen,” said Lozen. “They shoot at our women when they’re in the fields."

“So what do you want us to do?” asked Fountain.

“Make them leave,” said Victorio. “If more of our people are killed they’ll take revenge. No matter how much beef the agency tries to give them.”

Fountain had his hands full with the Navajos. He had no men to spare for the Tcihene and wanted to avoid another front with the Apaches. “I’ll speak to General Carleton. Maybe he can spare some troops from Fort Craig.”

Lozen whispered something to Victorio in Apache and Victorio shook his head. “I hope so. The miners are nothing but trouble.”

Fountain could not keep his promise. Before he had a chance to meet with Carleton, Ganado Blanco made his escape from the Bosque. Fountain was wounded in the Malpais and sent to El Paso.

Ojo Caliente did not fit the Bureau of Indian Affairs goal of concentration. When the war ended, the Army moved into the Black Range to protect the prospectors. The government moved the Tchihene around the mountains of western New Mexico for years until finally settling them in the eastern Arizona desert at San Carlos with the Western Tonto, White Mountain bands, and Coyoteros. It was a hard place to farm even if the Apaches wanted to. They had to put up with heat, scorpions, malaria, and the insults of the Coyoteros. Victorio couldn’t stand it. He broke out and returned to Ojo Caliente with his band of Mimbres. Indian agents finally persuaded him to return to San Carlos with promises that things would be better. They weren’t. When he escaped again he swore he would die before going back. He ambushed Coyoteros in Arizona and raided a bit around Silver City before returning once again to Ojo Caliente. That was near enough to alarm the citizens of Mesilla. Fountain organized the Mesilla Scouts militia for local defense against the Mimbres and was named its captain. He went straight to Ojo Caliente to find Victorio and persuade him to return to San Carlos again. Victorio remembered him when they met. This time they spoke in Spanish.

“You should take the women and children and move now, before the Army has orders to hunt them down,” said Fountain.

“Why should we move, Captain? This is our land. Your government gave it to us,” Victorio answered.

“It doesn’t matter. They have orders to remove you.”

“But this is our reservation.”

“I know it was. But it’s been taken from you.”

“I don’t like what you say, but at least you say it clearly,” said Victorio. “So I’ll speak clearly, too. You Anglos have been here only a short time, but you have a knack for choosing the worst land in all Apachería for a reservation. We’re not going back to San Carlos. We’d rather die here.”

“I understand,” said Fountain. “But there’s one more option. You could get permission to stay on the Mescalero reservation.”

“I know,” said Victorio. He shook Fountain’s hand awkwardly and disappeared into the Black Range.

Victorio’s band split into two groups. Most of the warriors stayed with him to raid for ammunition and stock their mountain caches; the women and children went east toward the Rio Grande with Kas-Tziden, called Nana by the Mexicans. Nana was an old chief whose ankle healed crooked after he broke it on a raid against the Tiwa. He was seventy-five years old and walked with a limp—the young warriors called him Lamefoot, but not to his face. He was married to Geronimo’s sister Nah-dos-te, and so formal he seemed aloof. White people found his expression inscrutable, while his grandchildren found him playful. He liked to hang gold watch chains from his ears. Nana’s group could travel at night because he had power over rattlesnakes. He also had a special power over ammunition trains. The Ninth Cavalry attacked his camp before his band reached the Rio Grande, but the buffalo soldiers killed only two women and a young boy. The rest of his party split into small groups and met at the river, now swollen and swift from snowmelt. Nana had called a halt to consider what to do when Lozen rode up and dismounted on the riverbank a short distance away. She raised her arms straight out, palms up, chanting with her eyes closed, wheeling slowly clock-wise. She could feel the tingling build in her fingers and palms as she finished her turn.

“Let’s go. Now,” she said. She had found the cavalry, half a day’s ride down the river. She mounted her horse and plunged into the roiling water, calling for the others to follow. They passed safely across and camped near a spring at the base of their mountain in the San Andres. After resting two days Nana called a council. The men sat in a circle around Nana’s fire. When they had eaten and finished their beer, Lozen joined them. Nana spoke first.

“We all know where things stand. Loco wants peace.” Loco was chief of another Mimbres band. “He’s taking his people back to San Carlos. But Victorio will never go.”

“There’s a lot of scores to settle,” said Kaytennae. Some Tchihene thought Kaytennae arrogant, but he was always respectful to Nana. Everyone knew he was being groomed as a leader. He didn’t come from a family of chiefs, but his bearing was strong and distinguished.

“Loco says we can’t win this war,” said Blanco.

“Loco’s right, but that’s not the point,” said Lozen.

“What good is payback?” asked Blanco. “It will only get more of our people killed. And we don’t have many left.”

“Sometimes I get tired of revenge, too,” said Sanchez. “But what can we do? We have to. What would our women think of us?”

“True,” said Nana. “We have to. This isn’t personal.”

“There have to be consequences,” said Lozen. “When the Americans abuse us without consequences, the world is out of balance.”

“There’s no telling what could happen,” said Nana.

“I know we can’t win,” said Lozen. “But the longer we hold out, the less chance the world will fall apart.”

“Anyone who wants to join Loco is free to go,” said Nana.

They agreed to push on to the Mescalero reservation. The women, children, and a few old men signed up with the agency to get rations for the winter. The younger men slipped in without registering so they could come and go without the agent taking notice. Victorio joined them in the spring, and more Tchihene were set to come from San Carlos. But toward the end of the summer Victorio became uneasy when he heard there was a murder indictment against him in Grant County. When Colonel Fountain

and a party from Mesilla camped nearby on a hunting trip to the Sacramentos, Victorio thought they came to arrest him. He gathered his band, recruited some Mescalero and Lipan fighters, broke out of the reservation—he would never set foot in one again—and hurried west between the White Sands and the Malpais toward their mountain in the San Andres. When their escape was discovered, the Army put a thousand troops in the field under Colonel Hatch to round them up. Hatch marched from Fort Stanton to the Tularosa Basin in pursuit, with Fountain's Mesilla Scouts assigned to one of Hatch's two columns. Fountain was back in familiar terrain from his scouting days. He knew where Victorio would be.

The Mesilla Scouts led Hatch's cavalry to the springs at Cuenca Canyon, where they found the Apaches routing Captain Carroll's parched Second Battalion. Carroll's men had the runs from gypsum-tainted water in a spring on the north side of the canyon. They were so pinned down by crossfire they had to shit and shoot from the same spot. As usual, Victorio had the high ground with a mountain at his back and an escape route easy to defend. His fighters were dug into rifle pits and sheltered by boulders. The fight had been going on since dawn. Carroll and his exhausted troopers were about to be overrun when Lozen realized that Hatch's relief column was near. Victorio left her in charge of a dozen fighters to keep Carroll's men covered while he led the rest of his band south. Nana escorted the women and children. Fountain's scouts got to the fight just as the Apaches' rear guard slipped out. The last of the Indians passed within a mile of Hatch himself as he tried to outflank them. By that time the main body of Apaches was fifty miles away. From Washington, Sherman congratulated Hatch on his victory and promoted him to brigadier general. No one is quite sure when the locals started calling the small mountain rising from the floor of the canyon Lozen Peak.

For months Victorio marauded freely on both sides of the border. Every crime in the territory was blamed on him, and his raids gave cover to all manner of thieves and rustlers. In August the Americans thought they had him trapped in the Candelaria Mountains of Chihuahua, only to hear he was back in the Black Range. Then they heard he was down in Chihuahua again and Fountain's militia headed south across the

border with Colonel Buell's column from Deming. The Mexicans let the Americans block escape routes north and east, but denied them permission to move farther south lest the governor of Chihuahua give the impression he couldn't keep order in his own state. The Mexican army wanted the glory of Victorio's defeat and the bounty on his head.

There was a pregnant Mescalero woman, Eclode, traveling with Victorio's band. Mexican cavalry had killed her husband in a fight near Casas Grandes, and she was near term as the enemy armies tightened their grip. When she went into labor she couldn't stay with the men, and Lozen was the only one able to attend her. The two women left the group and found a cave where Lozen assisted the birth. The Mexican cavalry passed within earshot, but Lozen had taken great care to cover the women's tracks and the baby kept quiet. They were safe, but cut off from Victorio. When Eclode could travel again, they circled east toward Texas. Lozen scouted the trail and hunted their food while Eclode cared for the baby. Near the Rio Grande they stole horses from some vaqueros and crossed the river south of El Paso. They were soon back at the Mescalero reservation.

Governor Terrazas of Chihuahua put his cousin Joaquin at the head of the Mexican cavalry to exterminate Victorio and his band. Joaquin Terrazas was a veteran Indian fighter, a gaunt, stern man with a long battle scar on his right cheek who chain-smoked cigarettes rolled by his orderly. Victorio now found himself in unfamiliar country with Mescaleros who wanted to go home. With Lozen gone, he had no sure way to find the Mexican army. Colonel Terrazas's Tarahumara scouts led him to Victorio at Tres Castillos—three small hills rising from the Chihuahuan plain—while Nana was off raiding for ammunition. Terrazas' two columns split the Apache line. The main body of warriors regrouped at the southernmost hill and built what fortifications they could. The Apaches were low on ammunition and had no mountain behind them. When night fell, the Mexicans heard them chanting their death song for hours. Terrazas advanced at dawn. Rising from his saddle behind a line of soldiers on foot, he called out, "Victorio, your depredations have come to an end. Tell your people to surrender."

Victorio shouted back, “I don’t know what ‘depredations’ means. Maybe you should come a little closer and tell me.”

“We’ll tell you with our bullets,” yelled Terrazas.

“We’ll answer the same way,” said Victorio.

“I think I’ll be luckier than you today,” said Terrazas.

“Then that’s the way it is. If I don’t see you again in this life, I’ll see you in the next. We’ll see what happens there.” Victorio jumped up and fired a round that took off the ear of Terrazas’ horse, splattering the colonel’s tunic with blood as the bullet whizzed by his shoulder. Terrazas wheeled around and ordered the line to advance, but a burst of rifle fire repulsed them. He reinforced his line and advanced again. This time the Apaches were out of ammunition.

Victorio and all his warriors were killed in battle that day at Tres Castillos. The soldiers hunted down the old people and killed them, too. They took sixty-eight women and children as slaves. Terrazas made a victory procession through Chihuahua City with seventy-nine scalps on ten-foot pikes. Eighteen were women’s. The state of Chihuahua paid fifty-thousand dollars for them. Colonel Terrazas himself collected twenty-seven thousand four hundred and fifty dollars from the scalps and slave sales. A week later Nana’s warriors ambushed a troop of Terrazas’ cavalry and hacked to pieces a soldier who carried Victorio’s saddle as a trophy. The other remnants of Victorio’s band joined Nana at Juh’s southern Apache hideout in the Sierra Madre.

The Tchihene knew they were a dead people, but had to carry out one last vengeance war. Traveling alone and at night, Lozen managed to elude the armies and find her way from the Mescalero reservation to Nana in the Sierra Madre. They planned a long raid for the occasion. The revenge party began with four nights of dancing. On the first night, four men entered from the east and circled the fire. Nana was with them, limping slowly.

“You, Kaytennae,” called Nana. “You always talk tough. Now Victorio wants to see how tough you really are.”

Kaytennae joined them. They called the others by name, too. It didn’t take long —there were only fifteen in all, including Lozen. They broke with custom and allowed a

few boys to come on the raid. On the last day they filled their ammunition belts, except Nana who liked to carry his bullets the old way in a pouch. They had good rifles, and some brought lances, too. The women whooped and applauded as they mounted their ponies and filed out of camp.

The raiding party slipped quietly across northern Chihuahua, drawing first blood on a group of surveyors just south of the border and scalping them as payback for the scalpings at Tres Castillos. Then Nana crossed the Rio Grande in Texas near Fort Quitman and turned north toward the Mescalero reservation. When they reached the Sacramentos they captured an army pack train in Alamo canyon and picked up a few more Mimbres and Mescalero fighters. A group of Apache scouts from the Ninth Cavalry caught up with them in Dog Canyon. Kaytennae saw them coming across the desert and hailed them from the cliffs.

"Come on up," he shouted. "We have metal for you. More than you could ever want. Warriors who fight their own people deserve a reward. Come on."

The scouts fled. Nana smiled and upbraided Kaytennae. "Now they'll warn the cavalry," he said.

"Maybe I should have kept my mouth shut," said Kaytennae. "But they deserved it. Besides, the cavalry doesn't have enough water to make it here."

The war party continued west across the Tularosa Basin toward the Organ Mountains, with Kaytennae lagging behind to guard their rear. His horse was jaded. When he saw a buckboard riding up the trail from El Paso he set an ambush behind a cluster of boulders, stopping the wagon with one bullet to the driver and one to each of the two women passengers. Then he jumped aboard and slit their throats to save ammunition. Kaytennae mounted the buckboard horse, but it balked no matter what he did. As he was struggling to control it he saw the Apache scouts circling to the south in an arc that would cut him off from Nana and the main group. He gave up on the horse and hid in an arroyo till dark, when a warrior sent by Nana found him and brought him in. The scouts knew where he was the whole time. They were just enjoying the sight of him walking in the desert after the way he taunted them. One of the scouts was his cousin, the other his brother-in-law. Nana took his party across the Organs through the San Augustin Pass just north of Las Cruces, riding up the Jornada del Muerto to

Salinas Peak. They rested a day before crossing the Rio Grande to continue their raid in the Black Range. They were happy to be in their homeland, but the cavalry was closing in. Newspapers were full of Apache atrocities. The citizenry was panicked. The entire military district of New Mexico had been mobilized and General Hatch took personal command in the field at Fort Craig.

At Ojo Caliente the Apaches rested again and bathed in the hot springs. For a moment it was like old times. They fixed their moccasins and hung meat to dry. After three days they broke camp and rode north toward Monica Springs—the army scouts had picked up their trail. As she rode next to Nana, Lozen said, "If I'd been at Tres Castillos, things would have been different."

"Maybe," said Nana. "Maybe not. You were chosen for something else. Besides, Victorio died fighting. That's more than Cochise or Mangas could say. We may not be so lucky."

"After this raid we have to save what's left of the Tchihene," said Lozen.

"After this raid I'm going to soak my feet in hot water for three days," said Nana.

Nana's band fought off the Ninth cavalry at Monica Springs, Carrizo Canyon, and Horse Springs. When they needed new mounts, they plundered horses and mules from the Army; when they needed stock they looted ranches. The moment they appeared at a farm on the outskirts of Lake Valley, the quick thinking farmwife took off with her baby. Her husband returned to find his home in flames and ran to Lake Valley thinking they were killed. He was tongue lashing Lieutenant George Washington Smith of Company H of the Ninth Cavalry when mother and baby walked in. But Smith had bigger problems—a group of miners gathering at Cotton's Saloon. Volunteers from Hillsboro joined them and formed a militia under George Daly, the superintendent of the Lake Valley Mining Company. After a few rounds of whiskey they stumbled out with a detachment from Company H to find the raiders. A gunman from Las Cruces named John Kinney was with them. Kinney was celebrating—a murder indictment against him had been dropped in Las Cruces the week before—and was laying low with his dance hall mistress while he ran his rustling operation from Lake Valley. When dusk fell he sobered up and slipped away from the rest of the mob just as the miners and buffalo

soldiers ran into Nana's ambush in Gavilan Canyon. Daly had his brains shot out in the first volley; Smith was killed trying to get to him. The militia was pinned down for six hours before reinforcements arrived and the Apaches withdrew. By that time two more soldiers, a saddler, and a miner were dead, and half a dozen wounded. Nana didn't lose a man. Hatch knew Nana was headed to Mexico and moved his headquarters south to Fort Cummings. The Apaches rode right past the fort at night and disappeared across the border. Nana had covered over three thousand miles in two months. His vengeance war was over.

During Nana's raid the legislature in Santa Fe formally recognized Fountain's Mesilla Scouts as territorial militia. The Scouts patrolled the breadth of Doña Ana County after the Tchihene band stole across the San Agustin Pass to the Black Range, but never made contact. After Nana returned to Mexico, Fountain's militia joined Lieutenant Britton Davis and his scouts of the Third Cavalry tracking the Apaches to their base in Sonora.

"I knew your father when he was governor," said Fountain as he shook hands with the Lieutenant.

"Yes, he told me you worked together," said Davis. "Those were tough times."

"Indeed, Lieutenant. I have the greatest respect for your father, but there's a lot about those days I'd like to forget."

When the army's Apache scouts found them, Nana and Geronimo sent Lozen to parley. Fountain told Davis he knew her and Davis had him speak for the whites. After greeting each other, Fountain told Lozen: "The Army guarantees you safe conduct to San Carlos."

Lozen avoided his gaze. "We'll never go there," she said. "If that's your only offer we'd rather die here." Lozen knew her position was tenuous. Some fighters had already left to join their wives on the reservation.

"Winter will be here soon," said Fountain. "What are you going to eat? If you come in you'll have beef and blankets."

"If the agents don't steal them," said Lozen. "We trust the Army more than the agents. We'll go to Fort Apache but not San Carlos."

Fountain conferred briefly with Davis.

"Okay. We'll escort you to Fort Apache," he said. "You can settle on Turkey Creek." Davis stayed with the Indians at Turkey Creek while Fountain returned to Mesilla.

Turkey Creek was paradise compared to San Carlos—lots of game and no mosquitoes. What troubled the Apaches was Davis's interpreter, Mickey Free, a half-breed no one trusted. Things got worse when Chato arrived from San Carlos as an army scout. Chato was a good fighter, but deceitful and ambitious. He had always been jealous of Kaytennae, and at Turkey Creek he learned Kaytennae was chosen Nana's successor. Chato and Mickey Free convinced Davis that Kaytennae was plotting against him, so Davis arrested Kaytennae and sent him to Alcatraz. Eighteen months in San Francisco Bay showed Kaytennae what his people were up against. When he retuned to New Mexico he joined the army scouts to help broker the Tchihene's fate with his new command of English. While he was gone, Nana and Lozen broke out of Turkey Creek with Geronimo and made their way back to the Sierra Madre. When their food ran out they came in for the last time. The Apaches were all sent to prison in Florida—hostiles, scouts, women and children. After three years they were transferred to the military prison at Mount Vernon Barracks in Alabama. Kaytennae was translating for a group of Connecticut missionaries when they showed Nana a globe.

"Apaches can't roam free anymore because the world is too full of people," they said.

Nana buried his head in his hands and whispered, "I'm too old to learn that."

Kaytennae quietly took the globe away. Lozen died of tuberculosis in Alabama. Nana died at Fort Sill, Oklahoma. He was ninety and nearly blind.

Rustlers and Greasers

With the Apache wars winding down, Mariana found a new use for her husband's militia. "Those rustlers almost killed our sons," she said. "Aren't you going to do something?"

Albert said he could if he still had the newspaper.

"I don't care about your newspaper. You're better off without it," said Mariana.

"It gave me a voice," he replied.

"The trouble is you don't know when to keep quiet. You made a lot of enemies when you attacked the Society of Jesus."

"It was the right thing to do," Albert insisted.

"Driving away voters is not the right thing to do," she said. "You and your Masons."

"I won't be silenced."

"You think you're brave because you speak out against the Church. But you don't do anything about the men who shot up your office with your children in it. That's a strange kind of courage."

The Santa Fe papers were calling lawlessness in the south a disgrace to the territory. Statehood aspirations were pointless as long as gangs shot up the countryside. Local lawmen was either sluggish, scared, or working with the gangs. When rustlers invaded a ranch twenty-five miles west of Mesilla at midday, tied up the family, ransacked the house and ran off the cattle and horses, Governor Sheldon had enough. He told Fountain to go into action. Fountain mustered his militia and tracked the rustlers through Chihuahua into Sonora, where he got word the rustlers were captured and executed by the Mexican police. Mesilla welcomed him back with a brass band and the governor promoted him to major for his efforts. But the crime wave didn't stop. Just outside Las Cruces, thieves ran off with the town of Doña Ana's whole cattle herd. After the Lincoln County war and the Apache raids, the region looked pretty hopeless. The territory's newspapers goaded Sheldon until he reorganized the militia, upgraded its equipment, and finally agreed to pay them regular army wages when on active duty. Meanwhile, Fountain worked informants as he made the rounds of

courthouses from Silver City to Lincoln. He reckoned there was a gang of thirty or so gunmen in Lake Valley doing most of the rustling. With loose branding and casual bills of sale, it was easy to run off cattle and sell them. There were ready buyers from the military and railroads. Herds were rustled on one side of the border and sold on the other. Fountain sent two militia members as undercover cowboys to identify the gang members and their leaders. The boss of the operation was John Kinney.

John Kinney was a tall, ruddy man with a boyish face who was known for his sprees in Las Cruces. He was born in Hampshire, Massachusetts, grew up in Iowa, and joined the Army after the Civil War. After mustering out in Nebraska he went to New Mexico and settled in Doña Ana County. One afternoon, Fountain came upon him outside a saloon, pistol-whipping one of his own gang. The Colonel saw the sheriff on the other side of the street and hurried over to prod him.

"Aren't you going to do anything about that?" asked Fountain, pointing at Kinney.

"Why should I?" said the sheriff. "It's his own man. Probably deserved it."

"It's a public disturbance," said Fountain.

"If it was some law abiding citizen it'd be different," answered the sheriff.

Kinney continued his beating even though the man's face was a bloody pulp. Fountain walked back across the street. "I think you've done enough, Kinney," he said. "Time to move on."

"Well, aren't you the Good Samaritan," said Kinney. "Sure, I've had enough. But I'll move on when I feel like it. Next time it might be you, Fountain." Kinney left the man senseless on the sidewalk and turned back to the saloon.

John Kinney was a boastful man who swaggered about town. He bragged he killed fourteen men even before James Dolan hired him in the Lincoln County War. His smile seemed almost friendly but for the scar on his right cheek from Billy McCarty's bullet when Kinney helped burn the McSween house. A few years later he raped and plundered San Elizario with a gang of Las Cruces vigilantes who helped put down the town's uprising in the El Paso Salt War. Kinney was also a shrewd businessman with investments and bank accounts in El Paso. His second-in-command, Doroteo Saenz, was a cold, sullen gunman who looked more the part.

Kinney could charm or scare most men, but Albert Fountain was not one of them. Fountain relished a fight as much as Kinney, with the added confidence of a self-righteous man. The Colonel planned a law and order campaign against Kinney's gang with meticulous care. He coordinated his scheme with the Texas Rangers and the Chihuahua police. Governor Sheldon gave him unlimited use of telegraph lines and the authority to commandeer railroad cars for his troops. When orders came from the governor and indictments came down from the Territory, Fountain's militia sprang into action. Fountain sent his Company F to Lincoln, Company B down the Rio Grande, and he personally led Company A to Lake Valley. They surrounded Kinney's ranch and moved in quickly, but found it abandoned with food still warm on the stove. Fountain sent off search parties forty miles on either side of the river, stopped and searched trains all night long, arrested two gang members in Rincon, but found none of the leaders. Company F returned from Lincoln empty handed. Company B had better luck. They stumbled across Doroteo Saenz and his men in a cantina in La Mesa, but the locals helped him climb out a window and Saenz took off for Texas. The Texas Rangers finally tracked him down in Concordia and turned him over to Fountain in El Paso. During the prisoner exchange, the Ranger captain noticed Fountain wasn't wearing a cord tied to his pistol.

"You boys in New Mexico are a little careless with your weapons," said Captain Baylor. "No wonder you have trouble catching rustlers up there."

Fountain bristled. "If you'd catch them in Texas instead of driving them to New Mexico, we wouldn't have to."

Baylor laughed. "You have a point, Major. Allow me to give you a small gift from an old ranger. It might come in handy in a fight." Captain Baylor took the cord from his pistol, looped it through Fountain's belt, tied it to his gun and returned it to the scabbard.

On the train back to Las Cruces, Fountain left his son to guard Saenz while he went to the back of the train to talk politics with some county officials. Albert, Jr. sat on the back of the coal car facing the handcuffed prisoner in the front seat while Saenz stared back at him calmly. When the train slowed to its stop in Canutillo, Saenz stood up as if to ask a question. As Albert, Jr. leaned forward Saenz knocked him off the train

and jumped down. Fountain heard the commotion, and looking out between cars saw his son tumbling down the embankment and Saenz on his feet running toward Canutillo. Fountain jumped off the train, rolled, and felt for his pistol. It wasn't in its scabbard. Then he felt something hit his ankle—the pistol tied to the cord that Baylor had given him. He raised the gun and sighted Saenz crossing the crest of a small rise. He got off four shots that all hit Saenz in the chest. Saenz fell dead in his tracks.

Kinney was still at large, declaring he would as soon be sent to hell as taken to Las Cruces and withdrawing large sums of money from his bank in El Paso. Rumor had it he was headed for California. Fountain's militia tracked him to Ash Springs just over the Arizona border, surprised him and his mistress, and brought him back to Las Cruces for trial. Fountain didn't trust the sheriff so he posted eight men from Company B as guards. When Fountain went to the jail to inspect the new prisoner he found Kinney smiling.

"Morning, Major," Kinney called out.

Fountain stood by the prison bars and studied Kinney carefully. "Good morning, Mr. Kinney," said Fountain as they sized each other up. "I trust you've been treated properly."

Kinney laughed. "I ain't been shot trying to escape, if that's what you mean. Not yet anyway. Seems a lot of men get shot trying to escape when they're in your custody, Major."

Fountain told him maybe they should stop trying.

"I know when to run and when not to," said Kinney. "I'm not running now. But I have a proposition for you, Major. I need a good lawyer. I know what you did for Jim Patterson and Chris Moesner. They were guilty as sin and you got them off. You know how to handle a Mexican jury. I'll pay you three thousand dollars to take my case, and I ain't even charged with murder."

"That's a generous offer," said Fountain. "And I appreciate your audacity. But I've already agreed to assist the prosecution. The pay isn't nearly as good, but the satisfaction makes up for it."

"I said three thousand. That's just for starters."

“And I said no thank you.”

“Have it your way, then,” said Kinney. “I’ll gladly repay you the favor someday.” Kinney smiled and winked.

Rumors of Kinney’s breakout were everywhere. Fountain stationed six troopers on rooftops around the jail, and another six in buildings next to it. Four more of Kinney’s men were shot and killed trying to escape during militia raids in Lake Valley and Hillsboro. Anonymous letters to the newspapers and the governor accused Fountain’s “greaser militia” of bullying the citizens of Doña Ana County. By that time the militia had twenty-five men in custody. A grand jury convened to investigate Fountain’s actions found that all the arrests were lawful. It handed down 132 indictments, fourteen against Kinney. Kinney hired a lawyer from Santa Fe and was soon free on $6,000 bail. Fountain had him trailed night and day by five troopers, and it wasn’t long before the judge sent Kinney back to jail for tampering with the jury. At the trial, Fountain countered each of the defense’s attempts to establish Kinney’s alibi. The jury took eight minutes to arrive at a guilty verdict. On orders from the governor, Fountain’s militia escorted Kinney to Leavenworth to serve a seven-year sentence. And then Albert Fall came to town.

The Rapid Rise of Albert Fall

There was a man named Albert Bacon Fall. He was born in Frankfort, Kentucky. His father was William Robinson Fall, a schoolteacher who served with General Forrest and spent the last year of the Civil War in a prisoner of war camp in Nashville. His grandfather was Philip Slater Fall, the eldest of eleven children. Philip Slater Fall married Anne Apperson Bacon after his parents died. Together they raised Philip's five younger brothers and sisters as well as their own six children. They ran a girls' school near Frankfort but his passion was preaching, first as a Baptist minister and then for the Disciples of Christ. Albert got most of his early schooling and a flair for oratory from his grandfather. He also inherited a lifelong habit of reading, especially works on geology and the biographies of famous men. Fall taught school for two years while studying law on weekends. After growing restless, he went west to seek his fortune in Arkansas and Oklahoma. He worked as a cowboy and a chuck wagon cook in Texas. At age twenty he went to Zacatecas, Mexico to try his hand at mining. He lived with a Mexican family and learned Spanish. When he returned north he settled for a time in Clarksville, Texas selling insurance and real estate. In Clarksville he met and promptly courted Emma Morgan, a young woman from a prominent family. Both her parents had died, her father while serving as a representative to the Confederate Congress. When Fall proposed, Emma had a talk with her ward, her uncle Dr. Jack Morgan.

"I'm not sure what do, Uncle Jack," she said.

Her uncle asked about her other marriage proposal.

"Albert's so much more ambitious," she replied.

"He's a fortune hunter," said her uncle.

"I can see how you might think that. But I have my ambitions, too."

"You will refuse him. And then you will pay a visit to your cousins in Tennessee. You can think about your ambitions there."

Emma left immediately, but Albert followed her across the Mississippi and pressed his suit. He won her uncle over by offering to sign a pre-nuptial agreement. After they married, Fall returned to Mexico to seek his fortune in mining once again. This time he took Emma's brother, Joe Morgan. When they heard of silver strikes to the

north they moved on to Grant County in southwestern New Mexico. After working mines in Silver City, Lake Valley, and Kingston without striking it rich, Fall used his wages to return to Clarksville. On the way he was struck by the activity he saw in the Mesilla Valley. At home he found Emma suffering from a bad cough and decided she needed a drier climate, but the mining camps were no place for his family. So Fall moved his wife, two children and brother-in-law to Las Cruces. His first enterprise was a book and stationary store. He soon billed himself a real estate, stock, and mine broker.

Albert Fall cut a fine figure, slim and straight. He wore his hair long in the Southern planter style and liked to play the Southern gentleman in starched white linen suits. As a young man his face was narrow and his eyes hawkish. His appearance was commanding. His rich voice could sooth or intimidate, and he punctuated his lively speech with the cigar he constantly carried. He and his family took up residence in the Commercial Hotel.

"I like this place," Albert said to Emma as they strolled down the sidewalk outside the hotel. "I can sense opportunity here." He lifted his cane and pointed east at the jagged peaks of the Organs.

"I think you should forget mining for a while," she said. "If you want to control your future, the fastest way here is politics."

"There's not much money there, Emma."

"Not at first, maybe. We'll make do."

"Not with a stationary store."

"Then it's time you went back to reading law."

Fall soon passed the Territorial bar and set his sights on politics. As a Southerner he was drawn to the Democrats, and with the Republican Party dominated by the most powerful men in the county, the Democrats had more openings for a newcomer. Grover Cleveland's election signaled a change at the national level, with new Democratic appointments in the territory for the first time in twenty-eight years. Fall became the Democratic candidate for the territorial legislature one year after his arrival in Las Cruces. That set him squarely against the Republican machine. The

Republican Party boss of Doña Ana County was Bill Rynerson. Like Fountain, Colonel Rynerson had come to Doña Ana County with the California Column. He was an imposing man, seven feet tall with thick red hair. After the war he was elected to the territorial legislature and became part of Tom Catron's Santa Fe Ring. During his first term in office he took a dislike to the territorial chief justice and shot him dead in a Santa Fe hotel lobby. A jury ruled it self-defense. Though he and Fountain were rivals in the Republican Party, they joined together against common threats. Along with Rynerson and Fountain, the party leaders were fellow Masons: Eugene Van Patten, William Llewellyn, and Judge Fred Bascom. They met at the Masonic Temple in Las Cruces to plan their campaign.

"Who does that upstart think he is?" asked Rynerson, referring to Fall.

"He's making a lot of friends with the Mexicans," said Bascom. "We ought to keep our eye on that."

"He's a pygmy," said Rynerson. "He hasn't been here long enough to change his shirt."

"I've heard him speak," said Fountain, "and I've seen him in court. He's a little raw but he learns fast."

"Someone has to run against him," said Llewellyn. "The Constitutional Convention is coming up."

"You're our man," said Rynerson to Fountain. Fountain preferred to control things behind the scenes, but this time he agreed to meet the newcomer's challenge at the polls.

Fountain beat Fall in the election and became Speaker of the House, but the Doña Ana County Republicans didn't like working against an able opponent. Rynerson offered Fall the Mescalero agency if he'd switch parties. Fall brandished his cigar and told Rynerson to go to hell. That night, a seething Albert Fall confided in his wife.

"Losing is bad enough, Emma. But they tried to humiliate me."

"You scared them, Albert," she said. "They know they're slipping."

"Things are going to get rough for me in the courtroom. They control the judges."

“So now they want to scare you.”

“I don’t give a damn. I’ll fight the devil with fire,” said Fall. “Next time I’ll get the Mexican vote.”

“That’s where your law practice comes in,” she said.

Fall spent the next two years defending Mexicans in the courts of Doña Ana County. He defended them from a bigamy law that was meant for Mormons. He defended them from extradition. He took payment in whatever form they could offer, and sometimes refused payment to burnish his reputation as their defender. The growing group of small ranchers from Texas in the Tularosa Basin caught his attention as well. They were solid Democrats from the start, and knew all about Fountain’s carpetbagger reputation. As he prepared for a rematch in the next election, he called himself Alberto Fall and attacked Fountain as a tool of the Santa Fe Ring.

One day a young rancher from Dog Canyon walked into Fall’s law office and introduced himself.

“I’m Oliver Lee,” said the rancher.

Fall rose from his desk and shook the young man’s hand. “I’m Albert Fall. I’ve heard of you, Mr. Lee. And I’m very glad to meet you.”

“I’ve had some troubles lately, Mr. Fall,” said Lee, “that you may have heard about.”

“Indeed I have, Mr. Lee,” said Fall. “And I don’t think you’ve been treated fairly.”

“That’s a fact. And I’ve come to the conclusion it’s all politics.”

“It usually is, Mr. Lee.”

“Then I need help from someone who will stand up to the Ring. I figure you’re my man.”

“I’m no friend of the Republicans, if that’s what you mean.”

“You don’t seem afraid of them, neither.”

“I plan to get even with them, Mr. Lee. To do that, I could use some help, too.”

Oliver Minton Lee was a handsome man, polite and soft-spoken. Men admired his strength and women his physique. He earned renown as an expert marksman, and people said he rode so quiet dogs wouldn’t bark when he passed. He came to New

Mexico from the feuds in Taylor County, Texas with his brother-in-law Perry Altman in search of rangeland. When Altman saw Dog Canyon for the first time, he told Oliver, “This country is so damned sorry I think we can stay here a long time and never be bothered by anybody.” Lee settled on the western slopes of the Sacramento Mountains with his mother and two colored ranch hands from their place in Texas. Soon other members of his clan settled nearby, in what was still Doña Ana County at the time. This was several years after the Lincoln County Wars that left the Murphy-Dolan gang in control of cattle ranching in southeastern New Mexico. Lee was a proud man who resented large ranchers backed by the Santa Fe Ring and their Eastern capital. Water was usually scarce on the open range, threatening everyone’s herds and making cowboys edgy. One day during a cattle drive a fistfight broke out between Lee’s best friend George MacDonald and cowboys for John Good, one of the big ranchers, over rights to some calves. MacDonald had a habit of getting drunk and running down Good whenever he was in Tularosa, but after the fight MacDonald made some serious threats against Good. It wasn’t long before MacDonald was shot dead by the spring near his cabin in the Jarillas.

Oliver Lee took it hard. “We have to get even right away,” said his mother. “If they think we’re scared they’ll run us right out of this country.” Lee called a meeting of his people at Altman’s and they decided to kill Good’s son Walter. Altman found a stray Good horse and invited Walter to come pick it up. When Walter arrived at Altman’s ranch, Altman and Tom Tucker walked up to greet him. After they got close enough they grabbed his hands and pulled him from the saddle, dragged him to the back of the corral and tied him to the fence.

“This is a stupid thing to do, Oliver Lee,” said Walter. “My father will hang you.”

Lee kept silent but Tucker cracked him across the face with his pistol butt. Finally Lee spoke. “This is the way it has to be. I didn’t start it.”

“Okay, then,” said Walter. “Do your worst. It’s your scalp.”

“I don’t think so,” said Lee. “Your luck has run out, not mine.”

Altman and Tucker emptied their pistols into the boy. Blood poured from his wounds until it soaked the sand at his feet. His bullet-riddled carcass was found a week later in the White Sands, half eaten by coyotes. Good’s cowboys went after the

killers and burned Altman's house, but the Lee clan fought them to a draw. Finally John Good tried to settle scores through the law. Colonel Fountain helped Rynerson with the prosecution and Fountain built up evidence for a strong case against Lee. But the day of the trial his key witness, a Lee ranch hand, recanted his testimony. The charges were dismissed. That was the beginning of Lee's hatred for the Colonel. John Good left Doña Ana County for a fresh start in Arizona, where he went bust.

As the next election approached, Fountain felt the tide turning against him. He searched for something in Albert Fall's past to use to his advantage and found a group of creditors in Texas who claimed Fall owed them money. Fall was outraged at another affront to his honor when Fountain pressed the case in court. By now Fall loathed the Colonel, his methods and his sanctimony. The suit made him even more determined to win a seat in the legislature. He had been preparing for two years and campaigned hard. On the eve of the election he gave instructions to Oliver Lee:

"Send your men to every saloon in Las Cruces. Make sure they buy drinks for the house till closing. Then herd everyone into our corrals with enough whiskey to last till the polls open. And be sure you escort them to vote."

The Republicans were doing the same in Mesilla and Doña Ana. Spies from the other party went to their opponent's corrals with enough cash and whiskey to get the men there to change sides. Sometimes they'd just let them loose and chase them away from the polls. Each side packed in relatives from across the border when they could. It was just politics in Doña Ana County, and Albert Fall had learned how to play the game. Lee's men did their job. Fall defeated Fountain handily and took his seat in the legislature. The first legislation he introduced was a bill to cut the time limit for bringing suits for unpaid debts in other states from fifteen years to seven. It passed, and Fountain found himself with no case to prosecute.

A month after the election, Fall called a meeting of leading Democrats at Deacon Young's office. Young was Fall's law partner and District Attorney. William Hawkins, an attorney for railroad and mining interests, L. W. Lenoir, a businessman, and two new arrivals in Las Cruces, Fall's father William and his brother Philip, joined them.

“Fountain may be down,” said Fall, “but he’s not out.”

“And never will be, if I know him,” said Young.

“Deacon, you don’t like him anymore than I do,” said Fall. “And I can’t stand the man.”

“That’s no secret,” said Hawkins.

“I don’t plan to make it easy for him. Now that we’re in power I intend to stay there. Losing doesn’t feel good. I don’t intend to do it again,” said Fall.

Hawkins said he supposed Fall had something in mind.

“Damn right I do. We’re buying a newspaper. Lenoir there is a silent partner. My father will be editor. Phil will be publisher. We’ll give the *Rio Grande Republican* more than they can handle.”

“So why am I here?” said Hawkins.

“You’re now on the editorial board of the Las Cruces *Independent Democrat*,” said Fall. “Along with Deacon.”

The *Rio Grande Republican* was soon calling Bill Fall the worst tempered man in New Mexico. Two years later representative Fall was nominated for the Territorial Senate and, with constant promotion from his paper, his victory seemed a sure thing. As the election approached, desperate Republicans met at Rynerson’s law office to consider their fate.

“Fall has come too far too fast. He has to be stopped before he takes over the whole country,” said Fountain.

“He’s been lying so long people believe him,” said Van Patten. “We should have shut down his paper,”

“What can we do, call out the militia?” said Llewellyn.

“Exactly, Bill,” said Rynerson, though Llewellyn was joking. “The militia might keep some of their questionable voters from the polls. It’s worth a shot. We’ll say we’re doing it to prevent fraud.”

“Do it, Bill,” said Van Patten. “It’s our only chance.” Llewellyn sent word to assemble the militia the following morning.

When Fall heard what the militia was up to he sent straight for Oliver Lee. Lee and his cowboys rode all night to Las Cruces, and by dawn were manning the parapet

of Lohman's general store directly across the street from the polls, armed with all the weapons and ammunition the store had in stock. They readied their rifles as Major Llewellyn led the militia down the street to take up positions at the polling station. When the militia halted in formation, Fall stepped calmly into the street with his arms raised and yelled,

"Llewellyn, this is illegal. Get the hell out of here with that damned militia or I'll have you all killed."

The confused militia officers talked over their position. It didn't take long to see how exposed they were. Llewellyn gave the order to disperse. When Emma Fall got the news about her husband she said, "I'm so glad he is helling and damning around."

Fall won by a landslide in a national sweep for Democrats. The next year President Cleveland nominated Albert Fall for Third District Court Judge. Nervous Republicans met at the Masonic Temple.

"If Fall becomes judge we're all in trouble," said Fountain. "I don't think there's any limit to what he would do to us."

"Every Republican might as well pack up and leave the territory," added Rynerson.

"We don't have much time," said Fountain. "We have to flood the Judiciary Committee with affidavits. The Knights of Labor have already sent a petition to the President. I plan to detail every scurrilous act he has committed since he arrived in this country. Get everyone you know, Republican or Democrat, to join in."

Van Patten asked what they should say.

"Just the truth, Captain. That A. B. Fall is a violent, vindictive, partisan extremist."

The Senate Judiciary Committee received an avalanche of mail opposing Fall's appointment. It may have given some members pause, but not enough to reject his nomination. One of Fall's first acts as federal judge was to provide for his own security. He appointed Oliver Lee and his cowboys, Jim Gilliland and Billy McNew, Deputy U.S. Marshals. They rode down from their ranches in the Sacramentos to spend most of their time in Las Cruces as the Judge's bodyguards. Fall now had the federal

judgeship, the U. S. Marshalls, the District Attorney, and the sheriff's office under his sway.

After the deputy marshal appointments, Lee's holdings in the Tularosa Basin grew fast. A Lee neighbor named Ralph Cornell was blasted off his horse by a bushwhacker after an argument with Lee over water rights. When two cowboys objected to Lee, Gilliland, and McNew cutting cattle out of a herd they were driving to El Paso, Lee gunned them down. Fall had the shootings ruled justifiable homicide and no charges were brought. Frank Rochas, a lone Frenchman, had a cabin in Dog Canyon on a prime plot of land near Lee's ranch, with a spring that watered his orchard, a tidy garden, and a small herd of cows. Rochas had once been wounded by a rifleman hidden in the rocks above his cabin and managed to crawl inside to hold off the attacker. He recovered and went about his business. Most people would have left the country after that, but Rochas was stubborn or foolish enough to stay. Soon after Fall's appointment to the bench, Rochas was shot dead on his doorstep. The fresh tracks of three horses were found outside. The killers were never found. Oliver Lee took over the deed to the property.

As a lawyer, Fountain was now at Judge Fall's mercy in the courtroom. But Fall was rankled by Fountain's reappointment as Deputy U.S. District Attorney. Fall repaid Fountain's opposition to his judgeship with his own letter-writing campaign to Washington, detailing the Colonel's El Paso troubles with Mills and the charges against him at his trial in Austin. Fountain had wanted to resign the position anyway since it paid so little and interfered with his regular law practice, but he stayed on for another year just to spite Fall. And the Judge's insinuations about his character struck a nerve.

"Damn it, Mariana," he said one day as they walked through the square in Mesilla, "we left El Paso to get away from all that."

"We left Texas, but it looks like Texas followed us," she replied.

"This isn't Austin. We're not finished here."

"They gained a lot of Mexican votes when Fall got the Attorney General to declare the amnesty for the bigamy law," said Mariana.

"He's smart," said Fountain, "but he's too imperious now. I'll turn that against him."

Fountain's opportunity came in the next election. As a federal judge Fall was supposed to stay out of politics, but he couldn't help wielding his control over the county Democratic Party. He put up Pinito Pino, a former Republican and Fountain protégé, as his candidate for the territorial legislature. Fountain ran his son Albert, Jr., knowing the choice would upset Fall's partisan sensibilities even more than usual. He hoped it would force Fall to overplay his hand, and he was right. Even though the election's voting irregularities were more blatant than usual, Albert, Jr. got a majority in the first count. Fall presided over the customary recount and placed Lee, Gilliland, and McNew in charge of security. They stood guard over the ballot boxes, brandishing their rifles while poll workers examined the votes. Pino was declared the official winner, but Captain Branigan documented Fall's intrusions and relayed them to the U.S. Attorney General. Fall resigned after friends in Washington warned him he was about to be removed from the bench.

Fountain was jubilant at Fall's removal. It also meant that Lee, Gilliland, and McNew lost their deputy marshal appointments. But the Colonel still smarted from what he considered Fall's stealing the election from the judge's bench. Fountain decided to go after the county sheriff's position. Fall's man Guadalupe Ascarate had been elected, and the first thing Ascarate did was appoint Lee, Gilliland, and McNew deputy sheriffs. For good measure he added Fountain's brother-in-law, Joe Morgan, and Lee's man Tom Tucker. Fountain started a suit to have Ascarate removed from office, charging election fraud and voter intimidation. With Ascarate would go Fall's enforcers and his last source of power. Returning to his law practice, Fall filed for continuances, changes of venue, every legal tactic at his disposal to delay a takeover of the sheriff's office by Fountain. The newspapers kept up a barrage of criticism of Judge Fall's abuses in office. Feeling the heat, Fall's gang stepped up their defiance. Lee and his men stopped, searched, and disarmed Fountain's followers on the streets of Las Cruces. Fall claimed there were assassination plots against him and never left home without bodyguards. He planted spies in Fountain's law office and ran the

network out of Ellis's barbershop. He paid Mariana's servants and the Fountain stable boy for information. Main Street in Las Cruces became the dividing line. The Fall faction kept to the east side with its saloons and barbershop. The Fountain forces had the west side, with Numa Reymond's general store and the Palmilla Club saloon. If Fountain or Fall met in the street, they veered off to their respective side. Their supporters did the same.

Ben Williams was the Mesilla town constable, a veteran lawman and Fountain's chief enforcer. Williams was a good shot, discrete, and cool under fire. He had been removed as deputy marshal, then deputy sheriff, when Fall and Ascarate came to power. As constable his chief duty was to serve arrest warrants. At Fountain's request he gladly served a ten-year-old Texas murder warrant on Fall's brother-in-law, Joe Morgan. Emma Fall heard the news before her husband returned from work. She walked straight to his law office and barged in without knocking.

"Is there no limit to what that man will do?" she asked, her voice shaking.

"Not that I can see," said Albert, rising from his desk. "He'll use every dirty trick in the book."

"This is no game, Albert. This is my family," said Emma.

"I know," said Albert. "It's mine, too. Politics is a rough business around here. They're sending Joe's extradition papers to the governor."

"It's not about politics anymore. You go to Texas right now and take care of this. I'll not let any man ruin my family, let alone a man with a foreign wife and greaser children. When you get back we're going to put an end to it."

Fall and Morgan rushed to Texas, requested a hearing, and in two weeks had the killing ruled accidental. When they returned, Oliver Lee began stopping Williams in the street and arresting him for carrying firearms. Each time it happened Williams showed his commission entitling him to carry arms as a law officer, but was still remanded to trial in district court. One Saturday night as Williams walked down Main Street free on bail, two men appeared out of the shadows. One of them fired a pistol at point blank range. The shot grazed Williams' head and powder-burned his face. As he covered his face with his left hand, Williams recognized the shooter as Joe Morgan and

his companion Albert Fall. Fall fired next and the bullet passed through Williams' hat. Morgan fired at Williams' face again. This time the bullet hit his left elbow and went out his shoulder. Williams spun around, returning fire with his right hand. He hit Morgan in the arm and ran to the Palmilla Club as two more bullets whizzed past him. Williams shot out the saloon lights and crouched in the dark until help arrived. He never had much use of his left arm after that.

Sheriff Ascarate took Fall and Morgan into custody and released them on bond as soon they were safe from Fountain's men. The grand jury that heard the case had sixteen Fall and five Fountain supporters. It refused to bring charges against Fall or Morgan, and instead indicted Williams and Fountain for assault with intent to kill. The judge threw out the indictments, so the grand jury indicted Fountain for forgery and Williams for trespassing and discharging a firearm. Those, too, were dismissed. Fall printed his own version of events in his paper. He said Fountain ordered Williams to attack him, and he shot Williams because he didn't like the man.

The Burners

When in six months rustlers ran off two thousand steers from big cattlemen in the Tularosa basin, the cattlemen banded together as the Southeastern New Mexico Stock Grower's Association. Their first step was to hire Albert Fountain as chief counsel. He drew up the constitution and bylaws, was named special investigator, and went after the rustlers. It was familiar work. Before the year was over he sent twenty men who operated around Socorro to prison. Small ranchers could join the cattlemen's association, but now they suspected it was plotting to put them out of business. James Cree, the association secretary, sat in Fountain's office in Las Cruces one day as they studied their progress.

"Colonel, the association has unanimously voted to reappoint you counsel," said Cree.

"I appreciate that, Mr. Cree," said Fountain. "I look forward to another good year."

"It was a good year," said Cree. "We expected nothing less. But this Socorro gang was just small operators. We need to get that bunch in the Sacramentos."

"I know," Fountain replied. "But I doubt we could get any convictions right now. Most of the suspects work for the sheriff."

Cree asked what he would suggest.

"Wait till the election is settled," said Fountain. "I think it will go to Numa Reymond. Then we can get some new deputies and go after them."

"God knows how long that will take," said Cree. "Fall has the damn thing tied up. The association wants something done now. We can't put up with these losses."

Fountain rubbed his forehead. "If that's what you want, I'll put some men directly on it. But it's going to get rough."

Fountain sent Ben Williams and another seasoned lawman, Les Dow, to Tularosa. Dow had been a deputy U.S. Marshall and worked for the Texas-New Mexico Sanitary Association policing cattle along the state border. Williams was the first to hit on something, a butcher shop in Tularosa slaughtering association stock. He got the

butcher to state that Oliver Lee and his outfit were connected to the thieves, and found an eyewitness. The butcher and nine others were arrested and jailed in Las Cruces. Fountain had prosecution witnesses lined up to testify, but the same grand jury that didn't bring charges against Fall and Morgan for the Williams shooting declined to indict the butcher shop gang. Albert Fall had the charges dismissed and all the suspects released.

A month later Les Dow had more success. Because the Lee cowboys didn't know him, he started working undercover with the fall roundup in the Tularosa Basin. An informant told him an association steer in the main herd had been blotted with the Lee brand. When it was time to make the cut, Dow waited at the chuck wagon for Billy McNew to ride up with the Lee cattle. He had his gun on McNew before McNew had a chance to reach for the rifle in the scabbard hanging from his saddle.

"William McNew, you're under arrest for altering brands and stealing cattle," said Dow. "Now get down off that horse."

"On what authority?" said McNew. "You got no right arresting me. I'm the law here."

"By authority of the sanitary association," said Dow. "You've been stealing steers from the stock growers."

McNew asked where his proof was. Dow handcuffed him to the chuck wagon.

"Wait here a minute," said Dow. He roped the blotted steer and shot it between the eyes with his revolver, then ordered two cowboys to help him skin it and placed the hide on the ground in front of McNew.

"There it is. Clear as can be," said Dow. The inside of the hide showed the altered brand.

"So you're a Fountain man," said McNew. "I'd be careful working for that old carpetbagger. Lots of folks around here aren't fond of him, or his association."

"Most rustlers aren't," said Dow. "Makes no difference to me."

"I don't think you know what you're getting into," said McNew. "But you're going to find out."

"Men like you been threatening me all my life," said Dow. "We'll just see how things play out."

Dow took McNew and the altered hide to Lincoln. He declined McNew's request to detour for a stop at the Lee ranch, and turned him over to the sheriff. McNew made bond the same day. A week later a posse of Billy McNew, Oliver Lee, and Jim Gilliland arrested the two cowboys who helped Dow with the hide and jailed them in Mesilla on charges of killing a Lee steer. Still, Fountain was encouraged. The case would be brought to a grand jury in Lincoln County, out of the jurisdiction of Fall's supporters in Las Cruces. The judge set a court date for January 13.

Mariana Fountain was still mourning her mother's death as the Christmas season began. Her poor sleep was troubled by bad dreams. She heard about threats against her husband's life and begged him to postpone the trip to Lincoln.

"I'm so worried," said Mariana. "I just lost my mother. I don't want to lose my husband. Can't you go to court in Las Cruces?"

"You know Fall controls the grand jury here," said Albert. "Lincoln is the best place I could hope for."

"It's such a long trip," she said. "I've had dreams about it. The White Sands scare me. There's no life there."

Fountain said it was his duty to finish things. "But if it will make you feel any better, I'll take Jack with me."

The next day Fountain told to his son Jack he wanted him to come to Lincoln.

"I'd like to, sir," said Jack, "but there's a dance coming up and I promised a young lady. I'd hate to disappoint her."

"All right," said his father. "I guess young folks should be enjoying themselves this time of year, not getting mixed up in this cattle business. It would be a big help if you would clean and oil your Winchester for me."

After Jack cleaned his rifle, his father came out and took a few practice shots. "I think an attempt is going to be made on my life this time," said Fountain. "One thing keeps me going. I know if I'm killed, I have three sons who will avenge my death."

Maggie Fountain felt her mother's grief and the rising tension at home. She too was having bad dreams. The day before her father was to leave she rushed to her mother with an idea for his safety.

“I know what father should do,” she said. “He should take Henry. Nobody would harm him if he’s traveling with a young boy.”

Her mother thought for a moment and her face brightened. “Of course, *mija*. I’ll tell your father.”

Fountain did not want Henry to miss school and was reluctant to take him. Mariana insisted until he finally gave in, but only if Henry was home from school before he set out for the trial. That night the family gathered for a farewell dinner.

“I don’t like the way things are going,” Fountain told them. “I don’t want to live in a place where I have to carry a gun all the time. It was that way when I left El Paso, and it’s getting to be almost as bad here. It’s time to put an end to it.”

It was a somber meal. As he bid goodnight to Maggie later that evening he said, “I know I’m in danger. If anything happens to me, you’ll know who’s responsible.” She went to bed even more determined that Henry should go with her father. The next day she sent a note to his school to make sure her brother was excused in time to start the trip.

The Colonel’s buckboard was packed with food, blankets, oats for the horses, Jack’s rifle and cartridge belt, a telescope, and a large dispatch case carrying the Colonel’s legal papers. Albert was only waiting for Mariana to find an old Mexican scarf for him to wear before setting off. Henry arrived just in time to jump into his seat before his mother brought the rebozo out to her husband. Fountain hugged the boy.

“I wonder what Fall will do now that we have proofs against Lee?” Albert said to Mariana as she tied the scarf around his neck. They said their farewells and the buckboard started off. As soon as her father left, Maggie drove to Captain Van Patten’s ranch at Dripping Springs on the eastern slope of the Organs. She wanted to visit Howard Guion, Fountain’s nephew who had come from New York to be Van Patten’s partner in a resort on the Captain’s land. Maggie had a miserable stay. Juana Jaramillo, an old neighbor, came with her as chaperone and watched her like a hawk. Maggie had nightmares about her father and Henry. She dreamed they were both in the sand hills, and both very pale. When she tried to touch them she woke up. She told her chaperone the next morning and Juana said, “I will give you a novena for the Child Jesus.”

The day was bright and cold as Albert Fountain and his son Henry started their slow climb to the San Augustin Pass. The peaks of the Organs were lined with snow. Looking back they could see Las Cruces, the river, Mesilla, and the desert stretching west to the Floridas and beyond. Henry was excited to be traveling with his father. The wind picked up as they reached the top of the pass, and they felt a quick chill as they crossed into the shade of the mountains. Fountain pulled out the lap blanket to spread across their legs. Finally, on the other side, they came back into sunlight and saw the whole breadth of the Tularosa Basin spread before them—the White Sands, the wall of the Sacramentos on the far side, Sierra Blanca with a ring of cloud, and in the distance to the north, the Malpais. The wind stung their faces.

"Where's Lincoln?" asked Henry.

His father pointed toward Sierra Blanca. "A day's ride past that mountain."

"Will the rustlers be there?"

"I sure hope so."

"Good. 'Cause I want to see them."

"You do? Why?"

"Because I want to see what rustlers look like."

"They look just like other people."

"That's not what Jack says. He says rustlers have shifty eyes."

"What are shifty eyes?"

"I don't know."

Fountain smiled and put his arm around the boy as they began the slow descent to the valley floor. At dusk they pitched camp in the windbreak of a small arroyo near Parker's Well and slept soundly until dawn. They woke to find their horses gone. The tethers had been cut and there were fresh boot tracks in a draw twenty yards away.

"I think a mountain lion scared our team," said Fountain. "They're probably on their way back home."

Father and son walked back to the main road and waited until a miner named Dan Huss rode up on his way to Las Cruces. Fountain gave him a note to take to his family, telling them what happened and asking them to bring back the team or another

pair of horses. Around midnight Albert, Jr. and his father-in-law Antonio Garcia arrived with the runaway horses.

"When Mother saw the horses she was so scared she could hardly breath," said Albert. "Thank God Huss came by with your note. She would have died of worry."

Fountain laughed. "As you can see, we're perfectly fine. Tell her not to worry. No old mountain lion is going to get us."

"Father, that was no mountain lion. I don't think it's safe," said Albert. "Let me go with you."

His father told him there was no need for that. "But if you're worried maybe you should take Henry back with you."

"No," said Albert, Jr. "If you won't let me go with you, at least take Henry. It would make mother feel better."

"Then we're back where we started. Tell your mother all is well. I've come out of worse scrapes in this country than I'll see on this trip."

Albert bid his father a reluctant good-bye and rode back to Las Cruces.

The rest of the journey was uneventful. Albert and Henry crossed the basin and made their way up the Capitan Mountains to Lincoln. The ground was frozen over and dusted with snow. Albert Fall was already there, preparing his defense of Lee and McNew. Fearful ranch families crowded the town. Elfego Baca, George Curry, and other curious lawmen from around the state came to watch the show. Oliver Lee caught the eye of the townsfolk as he strode the streets, self-assured and smartly dressed. Billy McNew and Les Dow traded stares as they passed each other by the courthouse. Dow's steer hide was the talk of the town. The Colonel's arrival caused a stir in the saloons that pleased him.

The night before the grand jury convened, Fountain met with Dow in his hotel room to review their case. He laid out sheaves of brand registration documents, affidavits, depositions, and letters.

"Well?" said Dow.

"We've cast a wide net," said Fountain. "There's no doubt we have enough evidence to indict the whole bunch. But if we don't get the big fish it's all for naught."

“And?” asked Dow.

“Your hide clinches the case.”

Dow asked the Colonel what he thought Fall would do.

“The usual,” said Fountain. “He’ll claim Lee was framed. That someone else altered the brand. He’ll have no proof, of course. He’ll just want to put the notion in the jury’s mind to mix them up.”

“You know what these small ranchers are thinking,” said Dow. “You’re trying to put them away for something they’ve all done for years. Large and small ranchers alike. They don’t see it as a crime. Everyone just lets it pass,” said Dow.

“Then it’s time they learned the law,” said Fountain. “Their way of doing things can’t go on. This territory has been lawless for too long.”

“I’m with you. But they’re not going without a fight,” said Dow.

“Intimidation won’t work on me,” said the Colonel.

“I know it. And they know it. That’s why they’re afraid. That’s why they have men watching you.”

“I know that, too. I could tell the moment I got to town.”

Albert Fall met Oliver Lee and Billy McNew at his boarding house on the other side of Lincoln. Lee’s mother came with her son. Fall and McNew sipped whiskey and smoked cigars while Lee and his mother drank coffee.

“What are the chances we get that son of a bitch to back off?” asked McNew.

“You can warn him if you want, but I don’t think it will do any good,” said Fall.

“That don’t matter,” said Lee. “A man deserves a warning. What he does after that is his own business.”

“Someone should’ve taken care of that windbag a long time ago,” said McNew.

“So how does Oliver get out of this, Mr. Fall?” asked Mrs. Lee.

“The easiest way would be to make that damn hide disappear,” said Fall.

“I didn’t burn any brand,” said Lee. He looked at McNew.

“Barring that, they’ll probably indict,” Fall continued. “I don’t have much on these jurymen. Curry has some, but I don’t think it’s enough.”

“Then we’re going to jail?” said McNew.

“No,” said Fall. “not if we beat them at trial.”

Mrs. Lee asked what the chances were of that.

“I don’t know,” said Fall. “They’ve trumped up a lot of evidence. The Ring is still powerful in Lincoln County.”

“Then there won’t be any trial,” said Mrs. Lee. “A man can’t sit back and watch somebody take away his living.”

Oliver Lee nodded.

“Yes,” said Fall. “This is war. Fountain won’t stop till we’re all ruined. It’s time to finish it.”

“What do you suggest?” asked Lee.

“Get the boys together,” said Fall. They sent word for Lee’s men and talked late into the night.

The courthouse was packed with families of the accused and the curious. All were expecting a show, and the attorneys did not disappoint. Albert Fountain wore his militia uniform—brass buttons polished to a high shine, epaulettes perched on his broad shoulders, a sword dangling from his belt. Albert Fall entered in his Prince Albert coat, a black Stetson Fedora, with a cane and cigar in hand. The onlookers hushed as the two men glanced at each other and nodded. The Colonel began presenting his case to the jury, shifting easily from English to Spanish and back again, gesturing, posturing as he presented document after document in a long soliloquy. Fall challenged him at every turn—brandishing his cigar, shifting into his own Spanish, his voice alternately booming and soft. Finally the steer hide was brought in. Les Dow laid it on the floor with a flourish. The altered brand showed clearly for all to see.

As the room fell silent, Billy McNew jumped up and shouted, “Fountain, you and Les Dow framed us. You’re just lucky we’re not out in the open where I could shoot it out with you. We had nothing to do with the brand on that calf.” The judge banged his gavel for order and two deputies sat McNew down. Oliver Lee stayed calm as ever.

Fountain presented evidence nearly every day for two weeks against two-dozen small ranchers and ranch hands. By the last day of the session he was exhausted but satisfied. He stepped outside the courthouse during the morning recess and smelled

the wood smoke in the air—it made him think of home. Henry was eager to see his mother again. As Albert gazed over the pine trees thinking of Mariana, a man pressed a note in his hand and hurried away. Fountain stuffed it in his trousers pocket for a moment to finish his thought, then pulled it out as he turned back to the courthouse. It read: If you drop this we will be your friends. If you go on with it you will never reach home alive. He smiled and put it back in his pocket. He'd been receiving threats like that for thirty years.

The grand jury returned thirty-two indictments against twenty-three ranchers. Among them were unanimous true bills against Oliver Lee and William McNew for larceny of cattle and defacing brands. No one was surprised, given Fountain's evidence and the power of the Stock Grower's Association. The Colonel had a large sheaf of new legal papers to stuff in his dispatch case when the session ended.

On their last night in Lincoln, Albert and Henry dined with George Curry, Clerk of the District Court. Fountain knew him to be impartial, though Curry was friends with both Fall and Lee.

"Colonel," said Curry, "your friends are worried about your safety. There's a lot of bad feeling in the air."

"Then I must have done my job," said Fountain.

"There are people who had grudges against you even before these indictments came down. Now they're really stirred up."

"Anyone in particular?" asked Fountain.

"Chavez y Chavez for one," Curry replied. "I've heard him make threats. And he's not the only one."

"I can handle Chavez y Chavez," said Fountain. "Besides, Elfego Baca said he'd ride with us to Las Cruces on his way back to Socorro."

"If Elfego's going with you, I won't worry much," said Curry. Baca was a fearless lawman who had just been admitted to the territorial bar. As a young lawyer, Baca knew he could learn a lot from Fountain on the long ride to Cruces.

The next morning the Fountains packed their buggy in front of the hotel for the trip home. George Pritchard, a Lincoln attorney, was there to see them off. He chatted

with Baca as Fountain made a last check of their supplies and climbed into the driver's seat. Just as Baca was about to join him, a man came up to Baca and started talking about some horses he wanted to buy.

"Sorry Colonel," said Baca. "I need to take care of this business. It may take a few hours."

"That's alright, Mr. Baca," said Fountain. "You take care of your affairs. We need to get started." They shook hands and Baca went off.

"I hate to see you travel alone," said Prichard. "Why don't you wait for the mail carrier? You could travel along with them as protection."

Fountain picked up his son's rifle and patted it with his left hand. "This is my protection," he said. He shook the reins and waved to Prichard as they buckboard started up.

Father and son spent the night with Fountain's old friend Dr. Blazer on the Mescalero reservation. Blazer was a dentist from Iowa, a California Column veteran who took over an old sawmill built by Spanish colonists on the Tularosa River. He was also postmaster, Indian trader, innkeeper, a man who promoted good relations that were also good for business. The Apaches never raided him even in the days before the Army took control. Fountain felt relaxed in his company for the first time since leaving Las Cruces. Over dinner he told his old comrade, "We have enough evidence to convict if they don't do away with me or my witnesses."

"I'm glad to hear it," said Blazer. "But it sounds like you could use some insurance. I know a couple of Apaches who would be glad to ride with you."

"Thank you, doctor," said Fountain. "I think I can take care of any emergency that may arise."

After the Fountains left the next day, Dr. Blazer saw two men pass his house—Jack Tucker and Billy Carr, though Blazer didn't see their faces. As the Fountains reached the border of the Mescalero reservation, an old Apache met them with a pinto pony as payment for an old debt. Fountain tried to refuse, but the Indian persuaded him to take it for the Colonel's children. They tied it to the back of the buckboard and continued toward Tularosa. Soon Fountain caught sight of two men following them, but Tucker and Carr kept far enough back so they couldn't be hailed or recognized. When

Fountain stopped for horse feed at Dieter's store in Tularosa, he looked in vain for them to show up. After Albert and Henry ate their packed lunch and set out for La Luz the same two men followed from a distance. At La Luz the Fountains spent the night with David Sutherland, another attorney and friend of the Colonel. Tucker and Carr rode off to Dog Canyon to let Lee know where the Fountains were. That night Sutherland told Fountain, "It's about time someone got that gang. They've been trouble since they came to this country." In Dog Canyon, Lee, McNew, and Jim Gilliland were getting their gear ready to ride.

The next morning the Fountains set out on the last leg of their journey to Las Cruces. Henry was coming down with a cold and his father wanted to get him home. To indulge the boy for the long ride, Fountain gave him a quarter to buy candy. Henry bought a dimes' worth at Myers' store and tied his dime and nickel change in the corner of his handkerchief. Sutherland recalled that they packed their lunch, two Navajo blankets, thirty inches of rope, a telescope valise, the Colonel's dispatch case, their suitcases, a Winchester rifle, and a cartridge belt. It was cold and windy, the first day of February. With luck they would make it across the White Sands and the Organs in time for a late dinner in Mesilla. At midmorning they met the Las Cruces-Tularosa stage driver, Santos Alvarado, on his route from Luna's Well to Tularosa. He told them he saw three riders just down the road, but when he got close they galloped off toward the Sacramentos. Fountain saw them appear after a few miles, one of them riding a large white horse. The three horsemen followed along the line of the horizon, sometimes ahead, sometimes behind. On the trail Fountain ran into Humphrey Hill, a La Luz justice of the peace, and said he thought he was being followed. He then ran into a Mescalero who told Fountain he had seen ghosts and a ghost steer named Ruidoso. The Indian warned Fountain to go back, but Fountain was not going to pay attention to Apache superstition. Around noon the Fountains reached Pellman's Well on the edge of the White Sands. They stopped to have lunch and give the horses a rest.

Lee, McNew, and Gilliland passed ahead of Pellman's, keeping to the desert east of the sand dunes as they began to rise toward the Organs.

"There's Chalk Hill," said Lee. "We'll swing behind and wait."

“And there’s Sunol,” said McNew. He pointed toward the San Andres just north of San Augustin pass. Sunol was Albert Fall’s camp for his gold mining venture.

“I bet the Judge is watching us right now,” said Gilliland. “Doesn’t want to miss the show.” He laughed.

Lee cut him off. “This isn’t a show,” he said. “It’s bad business. But it has to be done.”

“Should’ve been done a long time ago,” said McNew.

“You think it will be easy?” snapped Lee. “We have to do this right or we’ll hang.”

“I think it’s a damn good plan,” said Gilliland.

“It’s a damn good plan,” said Lee. “Anyone can pull a trigger. It’s getting rid of two bodies that’s the hard part. You remember what happened to Walter Good?”

“We know better this time,” said Gilliland.

After lunch, Fountain made small talk with Fred Pellman as he watered the horses. The Colonel was wary—Pellman was a friend of the Lee clan. Around two o’clock Fountain hitched up his team and continued east. An hour later he and Henry were three miles from Chalk Hill when they ran across the stagecoach on its way to the relay at Luna’s Well. Saturnino Barela, the driver, recognized Fountain and halted the coach.

“*Buenas tardes, Coronel*,” said Barela. He saw that Fountain had a rifle across his lap.

“Hello, Saturnino,” said Fountain. “What’s the news?” Fountain liked Barela. He was a stocky bear of a man with long curly hair and a bushy beard.

“I think you’re the news,” said Barela. “Everyone’s talking about the Lincoln indictments.”

“That’s just business. How are Tom and Jack?” he asked of his sons.

“Acting like young men. Crazy,” said Barela and laughed.

“One other thing,” said Fountain. “Did you just see three riders back there? Three men have been watching us since we left La Luz. They rode ahead while we were at Pellman’s.”

“Yes,” said Barela. “Yes, I did. Not a mile back. They kept off the road. Looked like cowboys to me.”

“I’m afraid they’re planning something for me,” said Fountain.

Barela was worried. “Then why don’t you turn back and spend the night with me at Luna’s? We can go to Cruces in the morning.”

Fountain thought hard for a moment. “We should keep going,” he decided. “Mariana’s expecting us for dinner. I don’t want to worry her. Besides, Henry has a cold and needs his mother. I’ll push on and take my chances.” They exchanged good-byes and drove off in opposite directions.

Oliver Lee and his men arrived at Chalk Hill just as the Fountains left Barela. Below them the road began a slow rise toward the Organs through a deep cut in the hill.

“Billy, I want you right here,” said Lee, positioning McNew behind a creosote bush above the road. “Shoot when he gets alongside you. Jim and I will ride up and get the buckboard. I’ll finish him.”

“What about the boy?” asked McNew.

“We’ll take care of the boy later,” said Lee.

“Just like that son of a bitch to take his kid with him,” said Gilliland. “If he had any guts he’d come alone.”

“Fountain’s no coward,” said Lee. “I don’t fault him for that. But we didn’t want it this way. He was warned. This is his doing now.”

From his mining camp at Sunol, Albert Fall looked over the White Sands with his field glasses. He could see Fountain’s buckboard start the climb into the cut, a tiny figure kneeling on the hill above, and two men on horses on the other side of the road. He watched as the buggy came abreast of the kneeling figure, then saw two puffs of smoke in quick succession. A moment later came two faint reports that made his heart jump. The buckboard veered off the road. Two riders galloped up to it and slowed it to a halt. Fall put down the glasses and let out a long breath. He stood erect with his eyes closed for a moment, nodded once, and walked briskly to his cabin. That night in Las Cruces he brought the news to his wife.

“Our family won’t be bothered by carpetbaggers any more,” he said.

“I’m glad to hear of it. You’ve done your duty, Albert,” said Emma.

“Yes. And a bit more, I’m afraid.”

“You did what you had to do. I’m proud of you.”

“Just prepare yourself, Emma. There will be war. At least in the courts, if not the streets.”

“If there’s war, I know I’m married to the right man,” she said and kissed his forehead as he sagged toward her.

Fountain saw a figure crouched on the hill line above him. He reached for his Winchester just as McNew’s bullet slammed into his chest. The buckboard’s horses took off, dragging the Indian pony behind. When they veered to the left, Fountain tumbled from his seat and landed face up in the sand. Henry screamed for his father as he tried to grasp the reins, but they fell out of reach and slapped against the horses’ legs. Two riders galloped on each side and grabbed the halters until the buggy finally slowed to a stop. Henry remembered seeing them at the courtroom in Lincoln; he didn’t remember their names.

“Shut up,” said Gilliland. He gathered the reins and swung onto the seat beside Henry. Oliver Lee left them to ride back to the road where Fountain lay exactly as he fell. Lee pulled his Colt out of its scabbard as he dismounted, standing over the pale body for a moment, aiming the long barrel at a point between the Colonel’s eyes. Then he kicked his ribs. Fountain was dead. Lee put down his gun as McNew rode up.

“Good shot, Billy,” he said. “Nothing left for me to do.”

Gilliland swung the buckboard around. They wrapped Fountain’s body in one of the Navajo blankets and tossed it in back behind the terrified boy. McNew collected Gilliland’s horse, and the three men, the boy, and the corpse headed east toward the Jarillas with the pony still trotting behind. After twelve miles they entered a shallow canyon behind red sand dunes. It was almost dark. Lee raised his hand and they halted.

“This is far enough,” he said.

They dismounted to unload the buckboard. McNew removed the harnesses and cut two long straps. Lee went straight to the Colonel's dispatch case and emptied its contents into his saddlebag. Gilliland pulled out a whiskey bottle, took a long swig, paused and took another. He rifled the buckboard and took the Winchester, twelve cartridges, a knife, a lap robe, and the other Navajo blanket.

"Time to do something about the boy," said Lee. They crouched on their haunches and drew straws. Gilliland got the short one. He took another quick pull on his whiskey bottle, walked behind Henry and shot him in the back of the head. They laid him in the same blanket with his father and tied it on one of the buggy horses with the straps. McNew tied Mariana's scarf to the spokes of a wagon wheel where it flapped in the wind. They let the other buggy horse and the pinto pony go, loaded up and pressed on for another five miles. None of them had eaten since morning. It was pitch dark now and starting to sleet. They decided to camp for the night. McNew made coffee and they cooked bacon on sticks. Gilliland washed it down with the last of his whiskey, then smashed the empty bottle on a rock.

"He was just a half-breed, anyhow," muttered Gilliland. "No different than killing a dog." He took one of Henry's shoes and pressed half a dozen footprints into the sand. "Let's see what their trailers make of this." Gilliland laughed as he rolled a cigarette but fell asleep before he lit it.

They broke camp before daybreak. When they got to the Jarillas they split up. Lee turned south to Wildy Well, while Gilliland and McNew rode north to a new steam pump at one of the wells in Dog Canyon. Albert Blevins was waiting for them. Blevins was a Texas and Pacific fireman who helped Lee with the pump's firebox and boiler. He came up from El Paso the day before. Gilliland and McNew lifted a heavy bundle wrapped in an Indian blanket off a horse and carried it to the firebox. Blevins had the fire blazing. With one swing they heaved it inside and Blevins slammed the heavy steel door shut.

Maggie Fountain said her novena, and on the ninth night had another dream about Henry. She tried to put her arms around him and he said, "Don't touch me. I'm dead. I slept between three Tejanos. Toward morning one of them said, 'Let's get rid of

the kid.' The one who did it has this picture in his pocket. Take a good look because he's the one who killed me." He showed her a picture of a little girl with long, straight black hair. She was wearing a white dress and sitting on one foot with her right arm resting on a little table.

"What about father?" asked Maggie.

"They killed him, too," said Henry.

Mariana went to Saturday night mass at San Albino's in Old Mesilla Plaza. When she got home she tried to keep busy in the kitchen. Albert had written from Lincoln he would be back late Saturday night, or noon Sunday at the latest. She finally tired of looking for things to do, went to bed but couldn't sleep listening for the sound of a carriage outside the door. The next morning she kept busy with the family dinner to welcome her husband home. All the children, wives, husbands, and grandchildren gathered at the Fountain house for the noon meal. Mariana grew silent. Albert, Jr. gradually stopped his efforts to cheer her as the hall clock chimed each quarter hour. Just before dark they heard a wagon rumble to the gate. They ran to the door and found a wild-eyed Saturnino Barela shuffling toward the house.

"Is Colonel Fountain here?" he asked.

"No," said Albert.

"No? I saw him on the road from Lincoln yesterday," said Barela.

Mariana fainted.

Barela went on to tell the Fountain boys that the day before he had seen their father and the three riders. He said the Colonel was concerned, but refused to stay at Luna's Well because he wanted to get Henry home. He told how, that morning, he found buggy tracks swerving off the road, and hoof prints of several more horses.

Albert, Jr. did not waste any time wondering what happened. With his brother Jack and father-in-law Antonio Garcia, he rounded up their neighbors and raced off. In their haste they didn't think to bring blankets or feed for the horses. Barela went to Las Cruces and gave the news there. Llewellyn, Van Patten, and Thomas Branigan—Branigan was former head of the Mescalero Scouts—had a better-organized search party on the road an hour later. A freezing wind hit them as the reached the pass and both parties pitched camp to wait for daylight before riding to Chalk Hill. At dawn,

Albert's group went to Luna's Well. After confirming Barela's story, they rode back and joined Llewellyn near Chalk Hill. The combined posses found two empty cartridges behind a bush where a man had been kneeling. Hoof prints, boot prints and cigarette papers were strewn where the buckboard had stopped off the road. There was a large stain covered with sleet where blood had splattered and soaked deep in the sand, the impression of a blanket in the ground that held a heavy object, and a powder-burned and blood-stained handkerchief with a nickel and dime tied in the corner. They followed tracks to the ransacked buckboard with the fluttering scarf and the warning note from Lincoln still tucked under the seat, and then to a campsite with a broken whiskey bottle and footprints from a child's right shoe.

From the campsite the posse followed the trail east into the Jarillas. It was starting to snow. The tracks divided, two riders heading north toward Dog Canyon with one of Fountain's buckboard horses, and a single rider heading south toward Wildy Well. It was too dark to go on, so they pitched camp for the night. Those who had blankets curled up in them and tried to stay warm, those who didn't stayed by the fire and drank coffee. The horses shivered with their rumps to the wind. The animals hadn't had water all day and there wasn't enough feed for them all. The next morning the posse divided into three groups. Claus Clausen, Fountain's son-in-law, went south with Luis Herrera. They found Oliver Lee at Wildy Well. Lee asked them their business.

"We're searching for Colonel Fountain," said Clausen. "He disappeared near the White Sands on his way home from Lincoln."

"That's no business of mine," said Lee.

"How about joining in the search?" asked Clausen.

"I don't think so," said Lee. "The man is nothing to me."

Clausen paid Lee to fill their water jugs. Lee mounted a saddled horse that was waiting in the yard and rode north toward the Jarillas. After he was gone, Clausen took a good look at his tracks and was sure they were from one of the horses they had trailed from Chalk Hill.

Major Llewellyn sent Van Patten with the bulk of the posse back to Las Cruces with the buckboard. Llewellyn went on with five others, following the trail of the two riders and the buckboard horse toward Dog Canyon. Their mounts were almost played

out and they made slow headway. Branigan shot an antelope in the early morning, which eased their hunger a bit but the horses still needed water. Just as they got near Dog Canyon Llewellyn called a halt—he was wary of showing up at Lee's ranch so worn out. While they argued their next move, a pair of Lee cowhands drove a herd of cattle down the trail. The steers wiped out the tracks the posse was following. Llewellyn decided to get to the nearest water at Wildy Well. From there they rode back to Las Cruces on their jaded mounts, hungry and numb.

Llewellyn, Van Patten, and Branigan returned to Las Cruces with the news that Colonel Fountain and his son had been murdered. Mariana took ill. When Maggie heard the news at Van Patten's ranch she fell to the ground and had to be carried to Guion's buggy for the trip home. It was days before she would speak. Mariana kept to her bed and wouldn't eat. The Fountain doctor ordered opium. She barely seemed to understand what people said. Albert, Jr. refused to leave her side. He gave her sips of water and told her she had to eat something.

"Food makes me ill," said Mariana.

"The doctor says you need food," said Albert.

"What does the doctor know? Was his child murdered?"

"They're still looking. Henry might be alive," said Albert.

His mother sat upright in her bed and stared at him. "No!" she shouted feebly and held up her finger in Albert's face. "No! He's dead! Your father didn't want to take him. I made him go!" She fell back and moaned with her hands over her mouth. Albert reached for the opium tincture and poured her another dose but she wouldn't take it.

Garrett and the Pinkerton Man

The Fountain and Fall factions quickly rallied their backers; the streets of Las Cruces filled with armed men. Posses crisscrossed the desert searching for clues, witnesses and bodies. The Masons offered a ten thousand dollar reward for the Fountains' killers. Newspapers from Santa Fe to El Paso called for swift justice—some, like the *Rio Grande Republican*, at the end of a noose. Fall's *Independent Democrat* claimed that Fountain might still be alive. It published reports that he had run off with a mistress or joined the Cuban revolutionaries, that he was spotted in Mexico City, Havana, St. Louis, and Hawaii. It seemed the only people not interested in the Fountain affair were Sheriff Ascarate and his deputies. The Fountain faction knew there would be no investigation by the sheriff's office until the court decided the election, and prodded the governor to break the impasse. Governor Thornton was embarrassed by this new example of New Mexico's brutality. He sent for Pat Garrett, the man who ended the Lincoln County wars. Garrett rode up from his horse ranch in Uvalde to a meeting with the governor in El Paso. Llewellyn and Numa Reymond were there for the Doña Ana Republicans, Fall and Ascarate for the Democrats. Thornton, George Curry and Garrett met with them in a room at the Plaza Hotel.

"I have an offer to make," said Reymond to Ascarate. "I'll drop my suit and withdraw if you resign."

Ascarate was caught off guard. He looked at Fall, who signaled him to keep quiet.

"Then what?" asked Fall.

"Then Mr. Garrett will be appointed sheriff," said Thornton.

"Absolutely not," said Fall. "I see no need for it. This is all just politics."

Thornton reminded Fall that Pat Garrett was a Democrat.

"It's politics all the same," said Fall. "Sheriff Ascarate will not resign."

"Mr. Fall," said Thornton, "the people of this territory want and deserve the prompt investigation of the Fountain murders…"

“Disappearance,” Fall interrupted. “The Fountain disappearance. There has been no proof of murder.”

“…disappearance,” said Thornton. “And they’ve seen little action from the authorities in Doña Ana County. So let me propose this: Sheriff Ascarate can hire Mr. Garrett as deputy sheriff and put the investigation in his hands.”

“I can take care of the sheriff’s office by myself,” said Ascarate. “Nobody’s going to tell me who my deputies are.”

The meeting broke up without a deal. Thornton offered Garrett a job as a private investigator to keep him engaged until the court made a final decision on the sheriff’s election. It looked like it would go to Reymond, who would then appoint Garrett chief deputy. Back in Texas Garrett’s horse ranch was failing. He needed money bad enough to jump at Thornton’s offer and move his family to Las Cruces. Once in town he engaged Charles Perry, the Roswell sheriff, to help his investigation. Ben Williams was only too happy to join in. But Thornton wasn’t through. When he got back to Santa Fe he met with the Pinkerton agency and arranged for the Cattlemen’s Association to hire a detective from the Denver office to go to Las Cruces and start his own inquiry. Somehow Garrett was to cooperate.

J. C. Fraser, the Pinkerton man assigned to the Fountain case, stopped in Santa Fe on his way from Denver to Las Cruces for a briefing by the Governor. Fraser was a slight, unassuming, well-groomed man known for his regular habits. He had started his career as a clerk in the Chicago office and worked up the agency ranks through doggedness and attention to detail. Thornton described the findings of Llewellyn’s posse while Fraser took careful notes.

“Colonel Fountain was a fearless man,” said Thornton. “And he made many enemies prosecuting cattle thieves.”

“Whom do you suspect?” asked Fraser.

“The prime suspects are Oliver Lee, William McNew, and James Gilliland,” said Thornton. Fraser wrote down the names.

“And these men are sheriff’s deputies?” asked Fraser.

“I’m afraid so,” said Thornton.

“That’s tricky,” said Fraser. “And what about this man Fall?”

“Fall?” said Thornton. “I don’t know about Fall. He’s friends of the suspects. He wields a lot of power down there. But whether he’s mixed up in murder I can’t say.”

“We’ll check into that,” said Fraser. He snapped his notebook shut and stood up. They shook hands and the detective was on his way.

Fraser began his undercover work in Las Cruces by registering at the Rio Grande Hotel as an agent of the Fraser and Chalmers Mining Machinery Company. He spent his days watching and listening from the hotel lobby, and his nights making the rounds of saloons along Main Street. He observed the comings and goings of McNew and Gilliland in the saloons, of Lee in Fall’s office and Ellis’ barbershop. He saw Joe Morgan and Jack Tucker bully people in the street. All of the deputies went armed to the teeth. Everyone in town seemed afraid and no one wanted to talk about Colonel Fountain in public. He soon learned of Lee’s reputation and what happened to men who crossed him. But the man who intrigued him most was Albert Fall. Thornton had given Fraser letters of introduction to the Fountain faction. The detective met with Llewellyn in his law office.

“People seem mighty timid around here,” said Fraser.

“Can you blame them?” said Llewellyn. “Men who’d kill Albert Fountain would kill anyone. We’ve been told our lives are in danger. Ellis the barber follows me all over town and reports to Fall.”

Fraser asked about Garrett.

“Garrrett’s not afraid,” said Llewellyn. “But he’s not doing much.”

“I need to talk to the stage driver,” said Fraser.

They arranged for Fraser to meet Saturnino Barela after dark in the back of Lohman’s store. Llewellyn and Branigan stood lookout. After telling his story, Barela added, “There are three men watching the Tularosa Road. They want to know what the posses find.” He couldn’t identify them. Fraser continued his talk with Llewellyn and Branigan the next day.

“Fall was at his mine near the pass the day of the murder,” said Llewellyn. “From there it’s only fifteen miles straight down the mountain to Chalk Hill. He says he got

back to Las Cruces around six that night, but a rancher said he saw him on the road at half past eight."

Branigan nodded. "Another witness said he left no later than four. So what was he doing for three hours?" Fraser scribbled in his notebook.

"I typed up a statement from our search party," said Llewellyn. "We'll get signatures from all the posse members. You can include it in your report."

Captain Van Patten joined them. He had just returned with Pat Garrett from a search for the bodies.

"Any luck out there?" asked Llewellyn.

"No bodies," said Van Patten. "But we found a spot where something was buried and dug up."

Fraser asked if he noticed anyone watching the road.

"We ran into three of Lee's men," said Van Patten. "Gilliland, Fitchett, and McDougal. They came at me with their guns drawn until they saw Garrett and the rest of the posse. Said they were out looking for cattle."

Van Patten showed Fraser the dime and nickel that were found in Henry's handkerchief at the murder scene. Fraser examined them closely and made more notes.

"One more thing," said Fraser. "This is rather delicate. How would you describe Colonel Fountain's domestic affairs?"

"You mean was there any trouble between him and his wife?" said Llewellyn. "The answer is no. They had the greatest affection for each other."

"She might have resented his time away from home some," added Van Patten. "You know, traveling all over the territory, acting in his plays and such. But trouble? Absolutely not."

The detective said he'd like to speak with her.

"There's no need for that," said Llewellyn. "She can't add anything to what you already know. And she's very distraught right now."

"Some people say she's lost her mind with grief," said Branigan. "One of her daughters, too."

“Well gentlemen, I have to say the situation here is pretty grim,” said Fraser. “I’m going to stay undercover as long as I can.”

Pat Garrett was a tall man, called Juan Largo by the Mexicans when he first came to Lincoln County. In high-heeled boots and a large sombrero he stood even taller, and he was still slim and rugged in middle age. He was born in Alabama and spent most of his childhood in Louisiana. Before drifting to New Mexico he worked as a cowboy and buffalo hunter in Texas. He married Juanita Gutierrez in Fort Sumner, and then her sister Apolonia when Juanita died soon after the wedding. Apolonia and Pat had eight children. Pat’s favorite was their daughter Elizabeth. She was a talented musician, blind from birth, who wrote the New Mexico state song *O Fair New Mexico*. After he killed Billy the Kid, Garrett tried to raise racehorses in Uvalde. He wasn’t very good at it. Agent Fraser went to see Garrett with a letter of introduction from Governor Thornton, but Garrett told Fraser he was going to El Paso and didn’t have time to talk. Fraser decided to follow him, taking a later train and finally arranging to meet in Garrett’s hotel room with Garrett and Charles Perry. Fraser asked them what they found on their recent search.

“A lot of sand, Mr. Fraser. A lot of wind. No bodies,” said Garrett.

“Van Patten said you found a place where something was dug up and moved,” said Fraser.

“We did?” Garrett looked surprised and smiled at Perry. “That’s the first I ever heard of it.”

Perry said there was no truth to that.

“What about the men who are watching the road? Lee’s men, the ones you ran into.”

“We didn’t run into any of Lee’s men,” said Garrett. “Who said so? Van Patten? You can’t rely on him for anything.”

“There are some things that trouble me, too,” said Fraser. “The evidence from the original search parties is scattered all over. It should be properly identified and locked away together.”

"Fountain's friends don't know what they're doing," said Garrett. "They're running around half-cocked with all kinds of notions. Llewellyn's stuck on that barber Ellis, but I don't think he knows anything about the murders. And I don't think Fall was in on the killing, though he might know something about it. I have no doubt it was the Lee gang, though. I wouldn't get near them if I valued my life. They're a coldblooded bunch."

Fraser paused, impassive, as he eyed the lawman. "So how can I be of service to you, Mr. Garrett?"

"Well, Mr. Fraser," said Garrett, "first of all I wouldn't go out on the Tularosa road and start asking questions. Everyone's been talked to and they're scared of this gang. Besides, you wouldn't be safe out there. What I'd advise you to do is stay in town and try to throw the trail off Lee and his boys. Then if I were made sheriff I could start right in on them."

All Mesilla expected revenge from the Fountain boys, and the Fountain boys remembered their father's admonition. Jack was hot to go after Oliver Lee.

"I want to get the killers as bad as you, Jack," said Albert, Jr., "but first we need proof."

"Proof?" said Jack. "Who had more reason than Oliver Lee?"

"There are others," said Tom. "I can't count all the men father put away."

"Look where the tracks led," said Jack. "I don't need a jury to tell me who's guilty. Just ask Ben Williams."

"Williams just wants to kill someone," said Tom. "He doesn't care what happens to him."

"I don't care what happens to me, either," said Jack. "They think we're all cowards."

"Well, I care," said Albert. "I care about mother. She lost one of her sons and look at her. What would happen if she lost another?"

"I want to get those sons of bitches just as much as you do, Jack," said Tom. "But if anything happens to me I want to be sure I got the right sons of bitches."

“That’s no damn secret,” said Jack. “The first man I’d kill is Albert Fall. Fall hated father. He hates us. He’s the hand behind everything. His gang pulled the trigger. His newspaper slanders our family. His sheriff protects the murderers. His lies keep everything all mixed up. He’d stoop to anything, even murdering a child.”

Albert hung his head. “Albert Fall is no friend of ours,” he said. “But that doesn’t prove he’s a murderer. It’s not your fault you went to that dance, Jack.”

“Yes, Albert,” said Jack. “Yes, it is.”

“What are we going to do?” asked Tom.

“Help Garrett,” said Albert. “He knows how to handle these hard cases.”

Governor Thornton finally prevailed on Garrett to take Fraser out to the White Sands. The day before they were to leave, Fraser took a statement from W. W. Cox, a rancher who had just bought the San Agustin Ranch on the other side of the pass. Cox was a tall, wiry man, known for wearing a white shirt, starched white collar, string tie and vest every day of the week. He grew up in DeWitt County, Texas where his father was a Sutton man in the Sutton-Taylor feud. After the Taylor gang ambushed his father, Cox found the body and counted fifty-eight bullet wounds in it.

“Mr. Cox, did you meet anyone on the road to Las Cruces the night Colonel Fountain disappeared?”

“Yes sir, I believe I did,” said Cox. “Mr. Fall and his brother-in-law, Joe Morgan.”

“What time was that?” asked Fraser.

“It’s hard to say, Mr. Fraser,” Cox answered. “I’m not sure of the exact time. It was dark, though.”

“Can you recall anything else?”

“That’s about it,” said Cox. “But I want to say this. I come from a country where men kill each other. Back there, the only law men cared about was loyalty to their friends and family. But they don’t kill children.”

Fraser met Garrett on the street that afternoon. The two men discussed the investigation as they walked.

“Mr. Garrett,” said Fraser. “I would sure like to talk to Albert Fall and Oliver Lee before we go.” Garrett excused himself and walked down the street towards Fall’s office. He talked to someone outside, then walked back to Fraser.

“Fall will see you right now,” said Garrett. “And I asked him to send for Lee.”

“That’s not quite what I had in mind,” said Fraser. “I was hoping to meet with them separately.”

Garrett said he didn’t see how it mattered much.

There was a crowd in the rear room of Fall’s office discussing the sheriff’s contest. Fall led Fraser to the front office where they could be alone.

“My name’s Fraser,” he said as they shook hands. “Let me explain my position. I’m a detective with the Pinkerton Agency. I was sent here at the governor’s request to help investigate the Fountain case. I’m just after the facts. Politics and rewards cut no figure here. If you don’t mind, I’d like to talk to you about it.”

“I don’t mind at all,” said Fall. “In fact I’m glad someone is here to make this kind of investigation. So let me give you my position in this case. Frankly, Mr. Fraser, I didn’t like Colonel Fountain anymore than I would a snake. The man was not straight. He would mould witnesses and testimony to suit his case. He has killed several men. One was a defenseless prisoner in his custody. He says the man escaped from a train when in fact Fountain set him loose and shot him just to add to his reputation.” Just then Oliver Lee walked in and Fraser introduced himself again. Fall continued. “He once offered me a thousand dollars to come in on a case with him but I refused because he manufactured evidence. Now they say Fountain was a great prosecutor, but he had no standing before any jury and could not make a conviction in this county except with manufactured evidence. He convicted very few, but one of them may have run across him and killed him.” Lee nodded.

“So you think Fountain is dead?” asked Fraser.

“Yes, I do,” answered Fall. “At first I thought he would turn up in Cuba. He was inclined to be sensational and that would just suit him.”

“Do you think he would take his son with him if that was his plan?” said Fraser.

“He might have his reasons,” said Fall. “He was very attached to the boy, and there were rumors. But they’re only rumors…”

“What rumors?” asked Fraser.

“I’m afraid if I mention them it will be seen by my enemies as a trick of some sort to lead the authorities off the right track,” said Fall.

“I’m not your enemy,” said Fraser. “I’m just here to get information.”

“Well, I got it from a very reliable citizen, who got it from someone else. Mrs. Fountain caught her husband in a compromising position with his own daughter just before he left for Lincoln.” Fall paused but Fraser kept silent. “Be that as it may, now Major Llewellyn claims he traced the tracks of my buckboard from Sunol to Chalk Hill. I haven’t been by Chalk Hill for nearly a year. I’m waiting for the chance to meet him face to face. I’ll tell him exactly what I think of his work.”

“Llewellyn never mentioned that to me,” said Fraser.

“Of course not,” Fall shot back. “Because he knows you would look into it and prove him a liar. But now he has Jack Fountain thinking the murder of his father was put up in this office and I’m the head of a den of murderers and thieves. I would have helped them with their damn investigation if someone had asked me like a man. The Republican paper even comes out and declares the Democrats killed Fountain. It’s all dirty politics. They’re using the whole Fountain affair for votes. Things were in a terrible state before you got here. Thank God outsiders such as Garrett and Perry and yourself have taken hold of this case.”

Lee spoke up for the first time. “That’s right. There’s no telling what those fellows might’ve done.” Fraser noted that Fall and Lee were sitting where they could watch each other and that Lee kept his eyes on Fall the whole time.

“Mr. Fall, can you tell me when you first heard of Colonel Fountain’s disappearance?” asked Fraser.

“I think it was the following Monday,” Fall answered. “On my way to El Paso.”

“And would you explain your whereabouts the day of the disappearance?” continued Fraser. Lee and Fall both burst out laughing. Lee winked at Fall.

“Don’t worry, Mr. Lee,” said Fraser, turning to the rancher and smiling. “I won’t leave you out.”

“I would not tell another damn man in this town my whereabouts on that day,” said Fall, “but I’ll tell you. I was at my gold property at Sunol. I go back and forth there

all the time. District Attorney Young visited me and left that morning. I was waiting for a man named O'Neil to discuss a mining deal with C. P. Eddy of El Paso. My brother-in-law Joe Morgan stopped by on his way to Las Cruces. Finally O'Neil showed up and we concluded our business just before four o'clock. I hitched my team and started home but one of the ponies balked and there was nothing I could do about it. I had to go back and hitch up my team of mules. That took about an hour. I got home around eight o'clock. I know that because we have a grandfather clock in the parlor."

Fraser asked if he met anyone on the road.

"Not that I remember," said Fall.

"Thank you, Mr. Fall. That's all my questions. Now Mr. Lee," said Fraser. "Where were you on that day?"

Fall broke in before Lee said a word. "Mr. Lee has been accused of involvement in this affair. As his friend and attorney, I have advised him not to tell anyone where he was on that day or on any other. When the time comes, I have the papers and witnesses to prove where he was." He pointed at Lee. "I have letters you know nothing about." Lee kept quiet about his whereabouts.

"Do you think Fountain was murdered?" Fraser asked Lee.

"I can't say for sure," said Lee. "He might not be dead."

"Do you know anyone who might want him dead?" asked Fraser.

"There are some boys that…," Lee began, but Fall shook his head. Lee stopped and started over. "No, Mr. Fraser. I can't say that I do."

"I guess that's about all, Mr. Lee," said Fraser.

"There's one more thing I want to say," said Fall. "I don't think Governor Thornton acted right in this matter. He's part to blame for swinging it into politics."

Fall and Lee accepted Fraser's invitation for a drink at the corner saloon. Lee sipped soda water while Fall and Fraser lit up cigars with their whiskey. They talked about the sheriff's contest late into the night. The next day Garrett said he wasn't ready to take Fraser out to the Tularosa Basin sites and the detective was left cooling his heels in Las Cruces once again.

Fall had sized up the Fountain boys. He knew they wanted revenge and everyone expected them to take it. They were smart young men, but he didn't think they had their father's nerve. Albert, Jr. was distraught, high strung like his mother, and principled. Tom couldn't keep an interest in anything for long. Jack was the youngest of the three, but the most dangerous by Fall's reckoning. Jack was obsessed with finding the bodies and spent all his time searching the desert with Ben Williams. Fall wanted to calm them down and knew he had the best chance with Albert. He sent a message through George Curry that he wanted to meet, saying he had evidence the Fountains should know about. Albert met him in El Paso.

"There was no love lost between your father and me," Fall began. "I admit that. We were political enemies. We fought hard, but I respected him. Politics is no reason to kill a man."

"Curry said you had new evidence," said Albert, Jr.

"That's right," said Fall. "There's a gang up in Socorro that's mixed up in this thing. Slick Miller told the governor they planned to kill your father two years ago."

"Where's the proof?" asked Albert.

"Thornton's looking into it personally. He has Pinkertons and Elfego Baca up there right now," Fall answered.

Albert said the Socorro gang didn't have the guts to kill his father.

"Maybe they hired someone," said Fall. "That's the way they do things in Texas."

"This isn't Texas," said Albert, Jr. "But there sure are a lot of Texans around here these days."

"I know you think Oliver Lee is in this. You think I'm in this, too. But it's not true. I had nothing to do with it. I'm an officer of the court. I'm a father. It's unthinkable that I would be involved in the killing of a child, of anyone. I swear on the heads of my children. I'll swear on the…" Fall crossed the room and took a Bible from the bookshelf. He slapped it on a desk, laid his left hand across it and raised his right arm. "I swear on the Holy Bible I had nothing to do with what happened to your father and brother. So help me God."

Albert, Jr. stood up trembling. "Maybe you didn't, Mr. Fall. Maybe you didn't."

“Thank you, Albert,” said Fall. “My life’s in danger too, you know. Some boys are hot and don’t think straight. It’s time that sensible men like us took charge. We’ve had enough killing.”

“I just want justice for my father and brother,” said Albert.

“That’s all I want, too,” said Fall. “Let the law handle it.”

After that Albert tended to his mother. He no longer joined the search parties.

A few days after Fraser’s talk with Fall, the judge of the Third Judicial District declared Numa Reymond the winner of the sheriff’s election and instructed him to take office the next day. Fraser was delighted. Garrett could now be appointed chief deputy and take him on his trip to the crime sites. But Reymond balked. He said he promised the chief deputy position to his friend Oscar Lohman, and offered Garrett a position as deputy. Garrett walked out before Reymond was finished talking. Fraser tried to straighten out the situation and enlisted Llewellyn’s help, but the day passed without a solution. With every delay to his trip, Fraser could see evidence slipping away and witnesses losing their memory. Meanwhile he had no choice but to stay in Las Cruces and collect what information he could. Perry had a plan to get warrants on Jim Gilliland for cattle theft and get him to talk. As Perry’s deputy, Les Dow was set to make the arrest. More information came in that contradicted Fall’s account of his stay at Sunol. The next day Fraser met Fall on the street in Las Cruces. They fell to talking.

“Has Lee ever made a statement about his whereabouts the night of the disappearance to anyone?” asked Fraser.

“No,” said Fall.

“Then why does Garrett say Lee told him he was at his ranch?”

Fall was unshaken. “I have no idea. Lee has not said anything to anyone.”

“Do you think that’s a wise strategy?”

“Why yes, I do,” said Fall. “I have considered the matter carefully and I think it’s the right thing.”

“You don’t think it’s poor judgment in the face of all this talk?”

“All this talk is just politics. Some people are looking for an excuse to kill Oliver Lee. They’re looking to kill me too, and Oliver Lee is the one man I can trust. Oliver Lee has never committed a crime in this country.”

“Mr. Lee is not accused of anything. That’s why I think it’s wise for him to make a statement. If he doesn’t it will look bad in my report.”

“Yes, your report,” said Fall. He stepped closer to the detective. “I want to correct something I told you the other day. I recall that I did meet someone on my way back from Sunol. A Mr. W. W. Cox and his brother, on the road to Las Cruces.” Fall excused himself and returned to his office to take a telephone call.

Even though negotiations for Garrett’s position were underway, Fraser could not wait any longer for his trip to the sites. Major Llewellyn assigned his son Morgan as Fraser’s guide. They stopped at Chalk Hill, then talked to people at Luna’s and Pellman’s Well. They went to Tularosa and La Luz. They established that Jack Tucker and probably Billy Carr had followed the Fountains, but everything else they learned was hearsay. While they were gone a deal was reached to make Garrett chief deputy. Rumor had it some Las Cruces businessmen paid Lohman a thousand dollars to withdraw. The second part of the deal was to send Reymond on a vacation to his native Switzerland, paid for by the same businessmen. Garrett would take up the sheriff’s duties while Reymond was away. On his return from the field, Fraser met with Garrett and Perry to report his findings. He asked about the warrants for Gilliland.

“There are no warrants,” said Perry.

“What happened?” asked Fraser.

“We’re not sure,” said Garrett.

“Didn’t the grand jury hear the evidence?” said Fraser.

“No,” said Perry. They shrugged.

Garrett asked Fraser if he found anything new. Fraser told him about the sightings of Tucker and Carr.

“I doubt that,” said Perry.

“We already checked that out,” said Garrett.

“I’m sorry you didn’t share that with me before I went out,” said Fraser. “I’m here to help you in any way I can. I know you mean to do the same.”

“You bet,” said Perry. Garrett nodded.

There was nothing more for Fraser to do. The next day he had a long talk with Llewellyn and boarded the train to Denver, where he ran into John Riley from the Stockmen’s Association. Riley said the Association would like him to return to Las Cruces and continue the investigation. Fraser told him his investigation had been severely hampered. “Certain interested parties have withheld key information,” continued the detective. “If I do return, it will have to be with my own men and my own methods.” As soon as Fraser left, Garrett and Perry made a contract with Jack Maxwell, a cowboy from Tularosa, for a share of the reward money if he would testify against Oliver Lee. When Fraser returned to Denver he made his report to the governor. He confirmed Thornton’s suspicions about Lee and his gang, adding, “There is certainly a master hand in this whole affair, and the great legal point would be the proper disposition or disposal of these bodies so they could not be found.” Then he signed off the case. Thornton became intrigued by information Slick Miller gave from prison about the gang around Socorro. The Pinkertons sent another agent to look into it, but the investigation led nowhere. Soon after, the file containing the Pinkerton reports to Governor Thornton was stolen from the Governor’s mansion. And so ended the Pinkerton’s involvement in the Fountain case.

Misfortune at Wildy Well

With Reymond in Switzerland, Pat Garrett became de facto sheriff of Doña Ana County. When November came he had to stand for election on his own. Since he was a Democrat and his supporters in Las Cruces all Republicans, he ran and won as an Independent. Major Llewellyn was elected to the Territorial House of Representatives and chosen Speaker. Albert Fall was elected to the upper chamber, while Oliver Lee served as representative to the Territorial Democratic Party convention. Lee sold one of his ranches to Charles Eddy, which became the site for the new town of Alamogordo when Eddy ran his railroad through it. Thomas Branigan got married; so did James Gilliland. Miguel Otero replaced Thornton as governor when McKinley was elected president. Les Dow was killed in Eddy. The man who shot him claimed self-defense and was acquitted of murder. Fall had the Lincoln cattle rustling charges against Lee and McNew dropped. For two years nothing much happened in the Fountain case. Garrett and Perry searched for the bodies but found nothing. Garrett still thought he knew who the killers were. He was biding his time because he thought Fall could quash indictments against Lee and his men.

Statehood for New Mexico was high on Governor Otero's agenda. One of the first things he did was push for action on the Fountain murders. As the date neared for the grand jury to meet in Las Cruces, Garrett was in Tularosa notifying jurors of the upcoming court term. Meanwhile a poker game was underway in Tobe Tipton's saloon. Around the table sat Tipton, George Curry, Oliver Lee, Albert Fall and a man named Jeff Sanders. They were in the middle of a hand when Garrett walked in.

"Why don't you join us?" asked Tipton. Garrett nodded and sat down opposite Oliver Lee. The game lasted three days and three nights. Players napped and ate as the game went on, some changed places from time to time, but Garrett and Lee kept their seats directly opposite each other the whole time. There wasn't much talk. Finally Curry spoke up as he dealt a hand. "I hear the grand jury is going to indict someone in this crowd for doing away with the Fountains. My guess is that someone in this bunch may want to hire a lawyer before long. I have an idea that the lawyer he might hire is sitting in this here game." Nobody said a word. Lee looked at Garrett.

“Mr. Sheriff,” said Lee, “if you wish to serve any papers on me at any time, I will be here or out to the ranch.”

Garrett took a moment to examine the cards in his hand, looked up at Lee and said, “If any papers are to be served on you, I will mail them to you or give them to George Curry here to serve.” With that he left the game and went back to Las Cruces. Lee followed soon after to be on hand when the grand jury met, but the grand jury never mentioned him or any of his men. Garrett went before Judge Frank Parker as soon as Lee left town and requested bench warrants for Lee, McNew, Gilliland, and Bill Carr. Parker issued the warrants and Garrett arrested McNew and Carr the next day. Lee showed up in Las Cruces long enough to say, “Pat Garrett will shoot me in the back if he ever arrests me, and claim it was self-defense.” He rode back to his Dog Canyon ranch, then on to El Paso where he told the newspapers, “I don’t propose to be taken to Las Cruces and held in jail an indefinite length of time.”

Judge Parker ordered Carr and McNew held without bail. Lee was still free, and word spread that Garrett was afraid to arrest him. Garrett was hoping Carr or McNew would talk, but they never did. Fall worked hard to get them released or acquitted and enlisted the help of two high-powered attorneys—Judge Warren from Albuquerque and Henry Daugherty from Socorro, both Democrats. Daugherty resigned his office as Socorro district attorney to take the case. When Doña Ana County prosecutor Richmond Barnes saw the team he was up against, he called in William Childers and Thomas Catron—eminent lawyers from Santa Fe long associated with Republicans and the Ring. The hearing started just seven days after the arrests. Judge Parker presided over a court packed with armed men. After viewing the edgy crowd he banged his gavel for order: “Anyone carrying a firearm, with the exception of the sheriff and his deputies, will immediately vacate the courtroom.” The room calmed down but no one budged. The proceedings started with the prosecution’s star witness, Jack Maxwell.

“Mr. Maxwell,” said Barnes, “Were you at the Lee ranch on the date of the murders?”

“Yes, sir,” said Maxwell. “I was up at Dog Canyon around that time.”

“What day was that?”

“I’m not quite sure of the day. But it was around that time.”

“And did you see Oliver Lee, William McNew, and James Gilliland at the ranch?”

“Not when I got there. They came in later.”

“And when did they arrive?”

“I’m not sure exactly when. It was later, though.”

“Can you recall the day or the date?”

“No, sir. Not exactly.”

Barnes could not disguise his frustration. He thought it best to stop and turn the witness over to the defense.

“You say Lee, McNew, and Gilliland were not at the ranch when you got there. Is that the same story you told George Curry?” asked Albert Fall.

“I think so,” said Maxwell.

“Didn’t you tell George Curry that Oliver Lee was planting grape vines when you arrived?”

Maxwell said he didn’t remember.

“And when you saw the three men ride in the next day, were they on fresh horses or played out horses.”

“Fresh, I think. But they had changed for played out ones.”

“Well, which is it?”

“Right now I’m not quite sure.”

“Mr. Maxwell, are you drunk?”

“Yes, sir.”

Outside the courtroom that night Garrett had his hands full keeping Lee’s gang away from the jury. On the second day Llewellyn, Branigan and Van Patten testified about the findings of the search parties. Barnes put Kent Kearney, a cowboy from Alamogordo, on the stand, and asked him about remarks Gilliland made after the Colonel’s disappearance. Kearney testified, “Once he said, ‘Don’t you think the country is better and quieter since the son of a bitch was killed?’ He also said it was a real slick job and he had watched the search parties at work.”

Another witness told of a conversation he had with Gilliland a year after the murders. “He said if a body had to be found before anyone could be convicted, it would be a long time.”

The prosecution recalled Jack Maxwell. This time he was sober and his memory improved. He said Lee, McNew, and Gilliland were not at Lee’s ranch the day the Fountains disappeared. Fall cross-examined again.

“Is it not true, Mr. Maxwell,” said Fall, “that the sheriff of Doña Ana County, Pat Garrett, offered you a bribe to testify against Oliver Lee?”

Barnes objected. “The agreement in question was a legal contract to share the reward money, not a bribe.”

Parker sustained the objection.

“Then I withdraw the question,” said Fall. “It was not a bribe. It was a legal agreement to share the reward money. And how much was your share of this… agreement…to be, Mr. Maxwell?”

“Two thousand dollars.”

“And how much was Mr. Garrett’s share?”

“Eight thousand, I guess.”

“No further questions,” said Fall.

Carr was released for insufficient evidence and McNew held without bond. Garrett still hoped McNew would confess.

The war with Spain came on the heels of the hearing and cut short Garrett’s case. Llewellyn and Curry joined the Rough Riders and served with Teddy Roosevelt at San Juan Hill. Both became his lifelong friends. But the war was not without benefits to Garrett. Fall left the territory when Governor Otero gave him command of Fountain’s old militia company, though the closest he got to Cuba was an army base in Georgia. Lee and Gilliland grew beards and hid in the desert—family and friends from the Black Range to the Sacramentos were happy to help them. Garrett sent search parties all over the country but they came back empty handed. In July two of Garrett’s deputies, Clint Llewellyn and Jose Espalin, stopped at W. W. Cox’s ranch near the San Agustin Pass on their way back to Las Cruces. The two fugitives were sitting on a fence,

watching the last of Cox's cows being branded. Lee had come up to see Winnie Rhode, Cox's sister-in-law. He paid no attention to Garrett's men. As Lee and Gilliland rode out that afternoon, Espalin opened the gate for them and whispered, "Cuidado."

The deputies sped to Garrett's ranch on the other side of the pass. "Lee and Gilliland just left Cox's place," they told the sheriff. By evening Garrett put together a posse with Espalin, Llewellyn, Ben Williams, and Kent Kearney—Kearney was deputized on the spot—and rode over to Cox's ranch to pick up Lee's trail. "Looks like they're headed to Wildy Well," said Williams. The posse rode all night and got to Wildy Well before daybreak. About a mile from the ranch they dismounted and went the rest of the way on foot. Garret was familiar with the ranch's layout, an adobe house with a wagon shed attached, outbuildings, a corral, a water tank, and a windmill. They moved carefully in the darkness. Espalin took off his boots when they got near the house. They heard snoring inside as they stopped by the front door. Garrett motioned for Kearney to follow him and for the others to stay outside. The door was unlocked. Garrett threw it open and rushed in the dark to the nearest bed, pushed his pistol in the ribs of a sleeping figure and shouted, "Throw up your hands!" The person in the bed was Mary Madison, lying next to her husband. She jumped up and screamed. That woke her husband, their three children and a guest named Dennis McVeigh.

"I'm the sheriff," said Garrett. "I'm not here to harm you. Just tell me where Lee and Gilliland are."

No one said a word.

"I know they're here," said Garrett. "Now tell me where they are. Damn it, you're obstructing justice."

They all kept quiet. Garrett motioned Kearney outside and set his men searching the outbuildings. McVeigh came out and tried to signal someone on the roof. When Garrett saw him he pointed his gun at McVeigh's head. McVeigh stopped signaling and Garrett intercepted him as he stepped back to the house.

"Now I know where they are," said Garrett. "Climb up on that roof and tell them to surrender."

"I won't do it," said McVeigh. "You can shoot me, but I won't do it."

Garrett left him in disgust and walked back in the house.

“You!” he called to Madison. “Get up on the roof and tell them to surrender.”

“No, sir,” said Madison. “I will not.”

Garrett had no time to waste arguing. He strode outside and saw light breaking over the Sacramentos, positioned Williams by the water tank on the east side of the house so the sun would be in the eyes of shooters on the roof, and sent Llewellyn to guard the people inside. Garrett gathered Espalin and Kearney, and they climbed a ladder to the top of the wagon shed attached to the house where they could see the thick adobe parapet of the roof at chest level from the shed. Garrett took Kearney with him and edged toward the roof with Espalin covering them from behind. There was no sound or movement on the other side. Garrett stopped, stretching to his full height trying to get a glimpse over the parapet while Kearney moved forward, but Garrett’s view of the roof was still blocked. When Kearney was crouched below the parapet with his rifle, Garret pulled his Peacemaker and called out,

“Oliver Lee and James Gilliland, this is Sheriff Garrett. You’re under arrest. Come out and surrender. Leave your weapons down.”

Kearney popped up and poked his rifle over the parapet. The first thing he saw was two gun barrels pointing up at him from the men lying on the roof. Without time to think, he pulled the trigger and his bullet hit directly under Oliver Lee’s belly. Lee and Gilliland opened fire. Lee’s shot hit Kearney in the shoulder and knocked him back on the shed. Garrett started firing while Kearney got to his feet and retreated. Lee got a glimpse of Garrett’s head and fired. Garrett ducked so fast Lee thought he must have hit him. Gilliland stood up and shot Kearney in the groin, tumbling him off the roof of the shed. Williams started firing from the water tank. He forced Lee and Gilliland to duck behind the parapet as Espalin slid down the ladder with Garrett right behind him. The sheriff and his men scrambled inside the wagon shed while the firing from the roof picked up. They could hear Lee laughing as he shot holes in the tank and the water poured out on Williams. Lee laughed louder as he and Gilliland shot through the top of the shed and bullets ricocheted off the steel hoops of the wagon wheels.

“You are a helluva lot of bastards to shoot a man when he’s asleep,” yelled Lee.

“The hell you were asleep,” Garrett yelled back.

“Kearney fired too quick,” said Lee.

“Maybe he did,” said Garrett. “Are any of you hurt?”

“No,” said Lee.

“I’m calling on you again to surrender,” said Garrett.

“I don’t think I will,” said Oliver Lee. “I’ve heard you intend to kill me.”

“You know that’s a lie,” said Garrett. “If you surrender to me you’ll be perfectly safe.”

“Pat, don’t you think you got the worst of this?” said Lee.

“Don’t you think I know it,” said Garrett.

“Tell you what. We’ll hold fire while you clear off and get help for Kearney.”

“How do I know you won’t shoot us when we leave cover?” asked Garrett.

“Cause when I give my word I keep it,” said Lee.

Garrett didn’t have much choice. His men were pinned down and Kearney was on the ground bleeding.

“All right,” said Garrett. They pulled Kearney into the shed and told him they’d send help. Then they backed slowly from the house toward their horses. Williams was soaked. Espalin flinched each time he stepped on a devil’s claw in his bare feet. Garrett sent a section crew from Turquoise siding to get Kearney. They found Mary Madison in the house dressing the deputy’s wound after she removed the bullet from his groin. Lee and Gilliland were gone. The section crew put Kearney on a train and Garrett took him to Alamogordo where he died the next day. That made one less witness for the prosecution. Lee and Gilliland were indicted for Kearney’s murder.

Lee and Gilliland disappeared again, growing their beards long like Mennonites and hiding out with Lee’s brother-in-law Perry Altman in the Black Range, and with Gene Rhodes at his ranch deep in the San Andres. Rhodes, known for his cowboy stories, helped Lee write letters to the *Independent Democrat* giving his version of the fight at Wildy Well. Lee claimed Garrett was brought to Las Cruces for the sole purpose of killing him, that the sheriff had no intention of bringing him in for trial, and he and Gilliland shot in self-defense when Kearney fired first. He said he would never surrender to Garrett because he feared he’d be shot in the back. Most of the newspapers called it an outrage that a fugitive could kill a deputy and then have the

nerve to decide who could arrest him, but Lee's stature grew the longer he stayed out. He even took time to travel to San Antonio and marry Winnie Rhode.

Trial in Hillsboro

When Albert Fall returned from the Army he went back to work defending Oliver Lee. His first move was to introduce a bill in the territorial legislature fashioning a new county from parts of Doña Ana, Lincoln, and Socorro, claiming it would smooth the way for more railroads. The western edge of the new county was set just past Chalk Hill—the scene of Fountain's murder would no longer be in the jurisdiction of Doña Ana County and its sheriff. Fall proposed to name it Otero County after the governor. The bill passed and Governor Otero named George Curry its first sheriff. Lee promptly wrote the governor to say he and Gilliland would surrender to Curry on the condition they would never be jailed in Las Cruces or held in the custody of Pat Garrett. Otero agreed.

Gene Rhodes escorted Lee and Gilliland from his ranch in the San Andres to the station in Aleman, where the three of them boarded a train to Las Cruces for the fugitives' surrender and took seats in the smoking car. Gilliland and Rhodes rolled their cigarettes and smoked facing the back of the train; Lee sat across from them facing the front. Lee wore a faded section hands cap, Gilliland blue tinted glasses. With their scraggly beards and tattered clothes they hardly looked like outlaw cowboys. Just as the conductor called all aboard, Rhodes saw Lee slide down his seat and pull his cap lower.

"I don't believe it," said Lee.

Rhodes glanced over his shoulder and turned back quick. "Damn if it ain't Pat Garrett," he whispered.

Garrett was traveling with a Texas Ranger captain, John Hughes, and a prisoner Hughes was taking back to Texas. They had the prisoner handcuffed to his seat in the day coach and walked the train at every stop. The two lawmen stopped in the smoking car and talked until the train started moving south through the Jornada. They never looked in Lee's direction. Lee, Gilliland, and Rhodes didn't say a word the rest of the trip. In Las Cruces the fugitives went straight to Judge Parker's house to surrender to Curry. They passed Ben Williams outside the train station. He gave them a hot stare but nothing more—he knew about the deal with the Governor. Curry gave Lee and

Gilliland a hearty welcome and took them into custody. Rhodes told them that Garrett was on the train and they all had a good laugh. There was no jailhouse yet in the new Otero County, so Curry took them back up to Socorro.

Fall took charge of legal proceedings for the defense. At the preliminary hearing in Las Cruces he moved that the trial be held in the new Otero County, arguing that Doña Ana County had no jurisdiction in the case. Parker denied the motion. Fall then moved for a change of venue on the grounds it was impossible to get a fair trial in Las Cruces. Parker agreed and set a hearing for Silver City, with McNew's case the first to be heard. The prosecution didn't want to tip their hand to Fall before Lee's trial, so they filed for a continuance claiming there was not enough time to assemble witnesses. Their request was denied. Barnes, still leading the prosecution, decided to drop the charge against McNew for the murder of Colonel Fountain. McNew was released on five thousand dollars bond for the outstanding charge of Henry's murder. The prosecution gambled it would stand a better chance trying Lee and Gilliland for the murder of the boy than of his father, and had them charged accordingly. Parker set the trial for Hillsboro in Sierra County.

Lee and Gilliland didn't spend much time in the Socorro jailhouse. Though still officially in custody, they traveled the country giving interviews and visiting friends. They were always neatly dressed, clean-shaven and polite. Their celebrity grew each time they appeared. On a stopover in El Paso on their way to the new jail in Alamogordo they were mobbed in the streets. Cheering boys followed them all over town. Fall filled the newspapers with claims that the prosecution team was the return of the Santa Fe Ring out to crush the common man.

Hillsboro was a small mining town in Victorio's old homeland, the foothills of the Black Range just west of the Rio Grande. It had a smelter, a courthouse, a jail, one hotel and two saloons. There was no railroad and no telegraph line, yet hundreds of people poured in for the trial—witnesses, attorneys, friends, families and well-wishers for the defense, supporters of the prosecution, and hordes of curious spectators. Reporters for the Associated Press and the Hearst papers were there, as were every

local newspaperman in the territory. To accommodate the press, Western Union strung a line to Lake Valley manned by two key operators a day. The prosecution set up booths in a tent city north of town to house their witnesses. It had its own cook, waiters, and guards. The defense set up tents in what became known as 'Oliver Lee Town' to the south. They served meals from a chuck wagon. The attorneys were the same: Fall, Daugherty and Fergusson for the defense; Barnes, Catron and Childers for the prosecution.

Mariana Fountain stayed in seclusion with her daughters in Mesilla. She left the house only to attend mass. Before her son Jack left for the trial, Albert, Jr. called him aside. "Jack, you must control yourself," said Albert. "If anything happens to you or any one of us, it will be the death of mother." Jack just glared at his older brother and promised nothing.

Emma Fall stayed home with her children, too As her husband was about to leave for Hillsboro she looked him over carefully and adjusted his collar. She said it would be his finest hour.

"You've always been my pillar, Emma," he said. "I won't let you down."

"I know," she replied. "You never have."

Albert said he wished she could be there.

"I'll read all about you in the papers," she said and kissed him good-bye.

Fall's first move on arriving in Hillsboro was to bring Jack Fountain before the bench and place him under a peace bond for making threats.

"Is there any reason this bond should not be imposed?" asked Judge Parker.

"Your honor," said Fountain, "I'm just a young boy and have not had much experience, but I will say that I never said I intended to kill any of these men. And I don't say so now, even though they deserve killing. If the court pleases to hear me now, I will state what I did say."

"You may make your statement," said the judge.

"I said if my father's bones were ever found and identified, and I think I know how to identify them positively, there is one man I would kill first, if I were not killed myself."

“Who is that man?” asked Parker.

Jack pointed and said, “Albert Bacon Fall.”

Parker made him post bond.

The women of Hillsboro were taken with Lee’s graceful manners, his soft voice and dark eyes, even more than Fall’s dash and brilliance. Catron and Childers were aging lions whose eloquence seemed as heavy as the figures they cut. The prosecution had other problems—their first five witnesses were missing, including Jack Maxwell. Garrett left Hillsboro to hunt him down. Barnes was granted a short continuance, but had to start the trial without his key witness. The prosecution began by calling ex-governor Thornton to the stand, followed by Albert, Jr.’s father-in-law, Antonio Garcia. Fall cross-examined them both. He succeeded in changing Thornton’s reference to Fountain’s “death” to his “disappearance”. He confused Garcia on his recollection of distances and directions. The next prosecution witness was Albert Fountain, Jr., who testified about the search parties. He was gently cross-examined by Daugherty. Then came Van Patten. He recounted finding a pool of blood in the sand near Chalk Hill. Fall cross-examined.

“You testified in the preliminary hearing of William McNew, didn’t you?” asked Fall.

Van Patten said he did.

“You haven’t repeated it to the jury as you told it there, have you?”

“I’ve told it as near as I could about what happened.”

Fall strode to the stand and looked down sternly at the witness. “Did you, or did you not, say you trailed a grey horse east from that pool of blood?”

Van Patten said he didn’t recall saying that. Fall then read from the hearing transcript that Van Patten said he had trailed a grey horse.

“Well, if I said it then, I’ll say it now,” said Van Patten.

“You can’t have it both ways,” said Fall. “Unless you’re just making this up. Which is it?”

“I might have been mixed up then just as you’re trying to mix me up now,” said Van Patten.

“I’m not trying to mix you up,” said Fall. “I’m trying to unmix you.” The courtroom broke into laughter and applause. Parker gaveled for quiet. “Who found the grey horse?”

“I was with the men who found him.”

“You testified you found a blood spot on the horse?”

“Yes.”

“Albert Fountain testified there was no blood on that horse. Was he mistaken?”

“Objection!” shouted Barnes. “Fountain has given no such testimony.”

Parker sustained Barnes’ objection.

“Not here, but he did at the McNew hearing. Mr. Clerk,” said Fall, turning to the court clerk, “issue a subpoena for Albert Fountain and we will hold him as a witness for the defense.”

Ben Williams found Maxwell drunk in Las Cruces and brought him to testify the next day. Childers examined for the prosecution. He asked Maxwell about his stay at the Lee ranch at the time of the disappearance, and the state of the horses Lee and his men rode in on. Maxwell had trouble remembering.

“Did you not testify in the McNew preliminary before Judge Parker in Las Cruces?”

“Yes, sir,” said Maxwell.

“Did you not then testify as follows?” Childers started to read from the transcript. Fall objected, but was overruled.

“You testified that two of the horses had been ridden harder than the others. Which ones were those?”

Maxwell said he didn’t remember.

“Then let me read from your previous testimony.”

“Objection,” said Fall. “The prosecution is trying to contradict their own witness.”

The judge overruled Fall’s objection, but the spectators and the jury had another good laugh. Fall cross-examined Maxwell.

"Did you not tell Bud Smith within a week of the disappearance that they need not accuse Oliver Lee because you saw Lee setting out grapevines with the other boys?"

"I didn't state it that way."

"Didn't you tell George Curry you were at Dog Canyon ranch on Saturday afternoon and that Lee and Gilliland were there?"

"I never told anyone I was there in the afternoon," said Maxwell.

"Didn't you write a letter to Jack Tucker telling him you would make a good witness for the boys as you could swear they were forty miles away when Fountain disappeared?"

"I wrote him a letter, but I never said that."

"Has anyone promised you any remuneration for the evidence you should give in this case?"

"Any what?" asked Maxwell

"Any pay," said Judge Parker.

"No."

"Is it not a fact that you made a written contract with Pat Garrett?" asked Fall.

"Yes, sir."

"Is it not a fact that you were to be paid two thousand dollars for evidence leading to the conviction of the Fountains murderers?"

"I was to get two thousand dollars of the reward, if that's what you mean."

"What were you to do for the two thousand dollars?"

"Tell the plain facts of what I knew about this case."

"Isn't it a plain fact that you told Pat Garrett and Mr. Perry you would not swear to the facts until they gave you the two thousand dollars?" demanded Fall, pacing in front of the jury box, stabbing the air with his cigar.

"They gave me the contract before I told them what I knew."

"Didn't Mr. Perry tell you that unless you gave evidence convicting these men you might be hung yourself?"

"No, sir."

“Is it not a fact that you said to Bud Smith that at the trial of Pat Saunders you swore to a lie?”

“No, sir!”

“Did you have any conversation with George Swaggart about your contract with Garrett?”

“I don’t remember ever having any.”

“Didn’t you tell him you wanted the money and didn’t give a damn how you got it?” shouted Fall.

“No, sir.”

“Didn’t you tell George Curry in Tularosa that your evidence would clear Lee, that Lee was at the ranch that night?” said Fall softly.

“No, sir.”

Fall sat down well satisfied with his effect on the jury. Childers redirected.

“What did you tell us in Las Cruces the night before you testified?” he asked Maxwell.

“I told you I was too drunk to testify.”

Parker had to gavel down the laughter once again. Childers proceeded: “Didn’t you tell us it was as much as your life was worth to testify against these men?”

“I didn’t say it that way. I said I lived in that country and did not want to go on the stand and testify while I was drunk for fear I would make misstatements that might cause me further trouble.”

“Has anyone connected with the prosecution of this case ever asked you to state anything except what was the truth as you knew it?”

“No, sir,” said Maxwell.

Fall had only one further question.

“The fact of it is you were not frightened by these defendants at all, were you?”

“I don’t know what it is to be frightened,” said Maxwell. The courtroom had a laugh with that, too.

That night Catron, Childers, Barnes and Garrett met over whiskey at the Union Hotel. Catron was a large and imposing man, but his fat made his movements labored. He seemed out of place in Hillsboro.

"No surprises here," he said wearily.

"Three years is a long time to keep facts straight," Childers added.

"We have to do the same thing to their alibi," said Barnes.

"I have a feeling their witnesses have better memories," said Garrett.

"Funny how no one seems to care much about Colonel Fountain anymore," said Catron.

"Or his boy," said Barnes.

"If Fall has his way it will be a trial about politics, not murder," said Childers.

"He's doing a damn good job of it already," said Garrett.

The next morning Gilliland's brother-in-law James Gould was the first witness to take the stand. "I was working on a fence with Jim Gilliland," Gould testified. "He told me old man Fountain come from Texas in a chicken coop and prized up hell ever since he been in New Mexico, but wouldn't prize up no more."

On cross-examination Fall asked, "You testified in this case before, didn't you?"

"Yes, sir," said Gould.

"You forgot to tell about that conversation before, didn't you?"

"No, I don't know that I did."

"You've talked this story over with your father, haven't you, and are trying to tell part of his story and part of yours?"

"I don't know that I am."

Fall stretched out his arms and leaned on the rail of the witness stand as he stared at Gould. "Where were you the year after Fountain disappeared?"

"In the Eddy jail."

Fall paused and looked at the jury, then turned back to the witness. "Are you a friend of Mr. Gilliland?" he continued.

"An enemy now, I suppose, " said Gould.

Riley Baker took the stand next for the prosecution. He told the court: “I was riding with Gilliland in the Sacramentos after the Fountains disappeared. I said the murder of the child was a mighty low down thing. Gilliland said he didn’t know about that, ‘cause the child was no better than a dog.”

Fall asked him if he was ever sent to arrest Oliver Lee.

“Yes, sir,” said Baker. “As deputy sheriff. We had a warrant.”

“Did you receive any pay for your services?”

“Yes, sir. A dollar fifty a day.”

“How much were you to get for killing Lee?” asked Fall.

“There was nothing said about killing Lee.”

Finally it was Pat Garrett’s turn to testify. All heads turned and stared at the old lawman, fabled beyond New Mexico if not in it. The room hushed as he strode to the stand, towering over the crowd from his full height. The silence became a murmur, then a roar until Parker banged his gavel for quiet as Garrett was sworn in. The sheriff sat comfortably. He spoke slow and precise the whole morning, recounting his visits to Chalk Hill, the shootout at Wildy Well, his efforts to arrest Lee and Gilliland. The next morning Fall began his cross-examination.

“Before you became sheriff, you held a conference in El Paso with whom?”

Garrett said it was Llewellyn and some others.

“Was evidence they purported to have in the Fountain case given to you?”

“Yes, sir,” said Garrett. “They gave me evidence tending to implicate Lee, Gilliland, McNew, and an official of Doña Ana.”

“Do you remember telling Mr. Lee not to surrender to any posse of which Ben Williams was a member?”

“No, sir. But I told him it would be unwise.”

“Is it not a fact you said Williams was a maniac on the subject of murder?”

“I said he was a maniac not on murder, but on the subject of killing.”

“Didn’t you say you would go after Lee yourself if you got warrants?”

“Yes, sir.”

“Upon what were these warrants based?”

“Upon affidavits.”

“They were issued four terms after Fountain disappeared, were they not? And after the grand jury adjourned?”

“Yes, sir.”

“Who made the affidavit before warrants for the defendants were issued?”

“I did.”

“At that time you knew what Jack Fountain and other witnesses would testify, did you not?”

Catron objected and Fall withdrew the question.

“When this evidence first came into your hands, why did you not apply for a bench warrant?”

“I didn’t think it was the proper time.”

“Why didn’t you think it was the proper time?”

“You had too much control of the courts down there.” Garrett’s supporters applauded and stomped their feet. Parker paused a moment before he gaveled for silence.

“In other words, you thought I was the administration?” asked Fall.

“You came pretty damn near it,” said Garrett. Fall suppressed a smile.

“What did you do when these warrants were sworn out?”

“Sent out a posse to serve them.”

“Isn’t it a fact that this posse was composed of members of Major, or Captain, or General Van Patten’s militia, and that they pressed food from citizens on the grounds they were militia men?”

“Not to my knowledge.”

“What was your object in sending this mob after Lee and Gilliland?”

“It was not a mob, it was a posse.”

The prosecution continued its case with Captain Branigan’s testimony. Branigan gave his credentials as a former scout on the Mescalero reservation. He told how he carefully measured the tracks where the buckboard was found. One pair perfectly matched McNew’s boot with a run over heel, and the largest horse tracks matched

Lee's mount. The measurements had been recorded and deposited in the district attorney's office. Fall asked Branigan to produce them. Branigan said he could not.

"Why not?" asked Fall.

"Because they disappeared," said Branigan, "from the district attorney's office."

"That's if they ever existed," said Fall.

Major Llewellyn followed Branigan to the stand. He started to describe the findings of his search party, but his testimony was cut short when he became weak from the yellow fever he contracted in Cuba. He resumed his testimony the next morning, denying accusations that he plotted to kill Lee and Fall. Pinkerton detective John Fraser never testified—he was in Peru tracking down an embezzler. When the prosecution had completed its case, the women of Hillsboro placed a large bouquet of flowers in front of the defendants.

Spirits were high in Oliver Lee Town. Fall met with Dougherty, Fergusson and Lee to prepare for the morning.

"Gentlemen, that's a good two days work," said Fall.

"Maxwell may be our star witness," said Fergusson with a chuckle.

"If that's all they have against our alibi, we'll do fine," said Dougherty.

"Our alibi is solid," said Fergusson. "My only concern is Wildy Well."

"I wouldn't worry about that," said Fall. "By the time Lee finishes his testimony, the town will be ready to indict Fountain for crimes against Lee. And Garrett and Llewellyn to boot." He puffed on his cigar.

It was the defense's turn to present its case. They called Oliver Lee's mother to the stand. She stood ramrod straight and walked solemnly to the front of the courtroom with a look more of pity than defiance.

"Mrs. Lee," said Fall gently, "please tell the court where you were on the day of Henry Fountain's disappearance."

"I was at the Dog Canyon ranch," she said.

"And were any of the defendants with you that day at Dog Canyon?"

"Yes, sir. All of them."

“To your knowledge Mrs. Lee, did any of them leave the ranch at any time?”

“No, sir. I was with them the whole day.”

Barnes cross-examined. “Mrs. Lee, your son is your sole means of support, isn’t he?”

“My son is a generous man and takes care of his own. But I work my own land,” she said.

“And who gave you your ranch, Mrs. Lee?” asked Barnes.

“Nobody gave it to us. We came to this country and built it up with our own hands.”

“Didn’t your son Oliver Lee give you the ranch at Lee’s Well?”

“Yes, he did. A man who is kind to his mother like my son could never do what he is accused of.”

Barnes had her statement stricken, but had no further questions.

Fall then called Dan Fitchett, George Curry, Bud Smith, Joe Morgan, A. N. Bailey, and Albert Blevins. Each one swore they had seen Lee at his ranch the day of the disappearance, or heard someone else say the defendants were there. When the prosecution cross-examined, Childers established that all of them worked for Lee, had business relations with him, or owed him money. Then Oliver Lee took the stand. He was as clean cut, dignified, and soft-spoken as ever.

“I didn’t even know I was a suspect till a few days after the Fountains disappeared,” he began. “When I heard there were warrants out for me, I went to Las Cruces to surrender but was refused. That’s when I heard there was a posse with Ben Williams looking for me. The papers were calling for mob law and accusing me and Albert Fall of murder. So I went home. That’s why I didn’t surrender when the warrants were issued. Certain men were ready to deal me violence.”

A Hearst reporter wrote that the only sound in the courtroom while Lee testified was women weeping.

“Under what circumstances was Kent Kearney killed at Wildy Well?” asked Fall.

“We knew Pat Garrett was looking for us. Me and Gilliland slept on the roof because we were afraid Garrett would shoot us in our sleep. Kearney fired twice and

Garrett also fired before I fired. No one ever said, “Hands up”. We killed Kearney. We made Garrett ride away and then made Kearney as comfortable as we could. I told Garret I’d come in if he would let me post bond.”

Childers asked Lee who told him Garrett would kill him. Fall objected. The jury was excused to let Judge Parker hear the attorneys’ arguments. Fall told the court that Garrett said he would whip any man who testified he had threatened Lee. Parker allowed the question. When the jury returned Lee continued his testimony.

“Albert Ellis,” said Lee.

“But didn’t Albert Fall try to get Garrett appointed sheriff?” asked Childers.

“I know nothing about that.”

“Did you know Charles Rhodius and Mark Coffelt?”

Lee said he did.

“Did you have anything to do with killing them?”

Parker sustained Fall’s objection. Then Fall re-directed.

“You stated you thought Llewellyn, Lohman, and Numa Reymond were against you. Why did you think Reymond was your enemy?”

“Because I saw some letters offering money to kill myself and Albert Fall.”

Catron objected because the letters were not in evidence. Parker said the objection would be sustained unless the letters could be accounted for in some way.

“I don’t know where the letters are,” said Lee.

Fall asked to be sworn in and took the stand. He said he saw the letters and could vouch for their authenticity. He had recently looked for them but couldn’t find them. On Fall’s authority Lee was allowed to continue with the content of the letters.

“Did the letters state who would pay the money?”

“Numa Reymond.”

“Do you know of anyone else being paid to kill you?”

“Mr. Cox said Jake Ryan was to be paid for killing me and Fall. He heard that Llewellyn put up the money.”

“One last question, Mr. Lee,” said Fall. “Besides the witness Maxwell, have you heard of any other witnesses having been offered money to testify falsely?”

The objection was sustained. The prosecution had its final chance at rebuttal. Their last witness couldn't remember much.

The defense argued that murder in the first degree should be the only option considered by the jury. Judge Parker considered their request, but ruled the court would submit the three degrees of murder. The jury was brought in and Richmond Barnes began closing arguments for the prosecution with the court interpreter translating into Spanish.

"There is a chain of evidence here that can lead to only one conclusion. One or two circumstances might be explained away, but when you put all the pieces together there can be no doubt that the defendants murdered the Fountain child." The interpreter kept up well enough at first, but when Barnes quoted from the Pickwick Papers he began to stumble. When Barnes tried to discredit the defendants' alibi by saying Lee's mother "laid a wreath of maternal duty on the altar of maternal love" the translator just gave up. Barnes talked straight through to the noon recess.

Harvey Fergusson began closing arguments for the defense. He attacked the credibility of the prosecution's witnesses and tried to show that they contradicted each other. He pitted Albert Fountain, Jr.'s testimony against Llewellyn and Branigan's. He declared that no one could tell if the blood spot found near Chalk Hill was from a human being, let alone Albert or Henry Fountain.

"Gentlemen of the jury, the search parties found only what they set out to find," concluded Fergusson. "Why? Because there was so much personal and political animus in this case. I was staggered by the showing made here of the state of affairs in Doña Ana County. The newspapers were practically advocating mob violence against these defendants. Is it any wonder that Lee was afraid to surrender to a posse under Garrett, of which Ben Williams was a member? Now I am willing to give my clients' case into your hands. Before you find the defendants guilty you must be certain beyond a reasonable doubt that they killed Henry Fountain at the time and place specified in the indictment. No fair minded man could see it so."

The next morning when Childers picked up the argument for the prosecution the courtroom was only half full. He argued that the blood spot was human blood, and that the trailing of men and horses was easy and certain work in that country. “These men had no need to resist arrest,” said Childers. “Why should they be afraid on account of the utterances of an idiotic newspaperman? Lee went in and out of Las Cruces without fear for two years. McNew was in the custody of Sheriff Garrett for many months. He was not killed, or mobbed, or threatened. The defense laid much stress on the claim that it was only after the governor, by permission of the court, had agreed to protect them from violence and permitted them to surrender outside of Doña Ana County that the defendants felt willing to surrender themselves for trial. On the contrary, the Governor arranged for these fugitives from justice to surrender in another county simply in order to take away their last excuse for resisting arrest.”

“The reward offered to Jack Maxwell was not unusual,” Childers continued before the few remaining spectators. “When the Governor offers a reward for a fugitive, it is the same thing. Jack Maxwell and the witnesses for the defense agree on every point as to the circumstances and happenings at the ranch Saturday, Sunday, and perhaps Monday, except that Maxwell says that the defendants and McNew were not there Saturday night. Maxwell must be telling the truth, for the witnesses for the defense had every reason to misrepresent the true state of affairs. To hold that you cannot convict of murder because the body cannot be found is to condone murder, to put a premium on crime. It is so easy in this country to waylay a man and conceal his body where it cannot be found. There is every evidence that these three men were the perpetrators of this crime. Instead of refuting our evidence, they have resorted to mud slinging and have raised the cry of politics. Gentlemen, leave out every consideration or issue but the one you are called upon to decide. Did these defendants murder that boy?”

Daugherty followed Childers in the afternoon. “It is not the responsibility of the defense,” he began to a full courtroom, “to determine the facts in this case. It is our responsibility to show that the defendants had nothing to do with it. There has been much confusion here. These defendants are not on trial for killing Colonel Fountain or

Deputy Kearney. They are on trial for killing a little child. Fix that fact firmly in your minds and see if that squares with these men. The prosecution brought politics and outside issues into this case to prejudice the minds of the jury. The defense had to go into the facts about the real conditions at Las Cruces in order to show that it was not for the murder of Henry Fountain, but for personal and political reasons that the defendants were prosecuted. You have heard much about corpus delicti. Understand me, it is not necessary to convict for murder that the body of the victim be produced. But I have never heard of a case going before a jury without any proof that a crime had been committed. Whatever you may think as to a possible motive for killing Colonel Fountain, there could have been no motive for killing that little boy. No one saw these defendants on the road. No one saw them kill Colonel Fountain. No one saw them bear the body away. No one knows that Colonel Fountain is dead. The prosecution has charged Mrs. Lee, the old mother of Oliver Lee, with perjury. A lovely old lady on the verge of the grave, testifying to the truth under her solemn oath. They did it with pretty words, but the district attorney had to do it in order to open his attack. And they say the man with the two thousand dollar contract is the only one out of six men and one woman that told the truth? Does that sound reasonable? Gentleman, law and decency both declare you must acquit."

Daugherty sat down to silence in the courtroom. The jury, the spectators, the judge all turned to Albert Fall. He tried to rise but slumped back in his chair and closed his eyes. Finally Lee asked him what was the matter. "My exhaustion is so great," said Fall slowly, "I doubt my ability to stand on my feet for ten minutes. I'm afraid I would weaken the case by speaking in my diminished condition. Both Mr. Fergusson and Mr. Daugherty are more eloquent than I."

"Fall," Lee whispered loudly, "they're trying to hang me for something I'm not guilty of."

"All of the evidence is in and they know you are not guilty," Fall replied.

"You know what I would do for you if you were in trouble," said Lee.

Albert Fall opened his eyes and rose wearily from his chair. Rising until he was standing straight, he advanced to the jury box and placed both hands on the rail. He began speaking in a low voice whose strength grew steadily as he went on.

"Gentlemen, the basis of justice in our great nation is the jury system. We know we can depend upon the sound judgment and fairness of our citizens. We know that common sense cannot be fooled by tricks or swayed by fancy words. We know that politics cannot be substituted for facts when justice is at stake." Fall looked at each juror in turn. "We have examined all the evidence in detail. We have heard about boot prints and blood spots. We have heard about alleged motives. We have heard about men avoiding arrest or fearing for their lives. These are all open to interpretation, and you have heard contrary interpretations. What are we to think? Well, gentlemen, I submit to you that it doesn't matter. It doesn't matter in the case before you. It doesn't matter for the simple fact that Oliver Lee and James Gilliland were at home on their ranch at the time this crime was allegedly committed. Yes, they have an alibi. As to this alibi, if you believe that man Maxwell told the truth, you must believe that Blevins is a liar. That Joe Fitchett is a liar. That Bailey is a liar. That Oliver Lee is a liar. That Mrs. Lee is a liar. If you believe that Maxwell told the truth, you must believe that George Curry is a liar, and that Bud Smith is a liar. Now take your choice: either all these seven witnesses are liars, or Jack Maxwell is a liar."

"The territory has not done its duty. It has not been hunting for the real murderers of Colonel Fountain and his little boy. It has exerted all its power and has spent its money to fasten the crime on these men. I ask for no white mantle of charity. I desire no vindication. I ask simply stern justice. If the evidence in this case convinces you that these men murdered little Henry Fountain, you must convict. There is no alternative. If you are not so convinced, turn them loose."

Fall turned and fixed his gaze on the lawyers for the prosecution. "In Doña Ana County there have gathered together, as does slimy filth on the edges of a dead eddy, a lot of broken down political hacks. They bask in the sun of political preferment, like serpents stretched out on dead logs. They never got an honest dollar in their lives, and don't know how to earn one except by serving in public office. It was in just such a dead eddy that there arose this plot for the persecution of Oliver Lee. Gentlemen of the

jury, the prosecution of Oliver Lee is the result of a conspiracy to send an innocent man to the gallows." Fall stretched out his arm and pointed at Barnes. "This district attorney is involved in that conspiracy." He pointed to Catron. "The honorable Thomas B. Catron is involved in that conspiracy." He turned and pointed at Judge Parker. "His honor at the bench is involved in that conspiracy."

Parker jumped up angrily and banged his gavel for order as the clamor in the courtroom grew deafening. "Mr. Fall, unless you withdraw your remarks about this court from the jury immediately, I shall send you to jail for contempt," shouted the judge.

Fall glared back at the judge. "Your honor will not send me to jail for contempt until I am through addressing the jury. When I finish my argument you may do whatever you wish." Parker sat down and Fall continued. "Our defense is an alibi clearly proved. We are confident that you will do your duty, the highest appertaining to American citizens, as befits men. We leave the lives of these two men in your hands."

The room burst into applause. When it finally subsided, Parker called a recess. Court resumed that evening, and Thomas Catron closed the case before a packed house.

"We have endeavored to present before you evidence as to the true state of facts," Catron began. "The Lincoln indictments show clear motive. The defendants did not want to go to prison, and they knew Fountain was the man who could put them there. Two men, Lee's men, followed Colonel Fountain and his son from Lincoln to La Luz. Three men assembled in La Luz the night Fountain slept there. Blevins was brought up from Texas to fix up the alibi of the defendants and perhaps—he is a fireman—dispose of the bodies. This being true there are good grounds for suspecting that all the alibis are fixed up. They fixed it so each man would say the others were there. When men of Oliver Lee's intelligence commit a crime, they take care to fix up the details. From La Luz, Lee, Gilliland, and McNew followed the Fountains and waited for them at Chalk Hill. One man knelt behind a bush and fired. Do you believe the blood is the blood of anybody else than Colonel Fountain? His buggy was left there on the plain, his horses turned loose. Part of his and the boy's clothing were left there. They say he might have left the country. How? Did he fly? No, they were carried away, as

corpses. They say there was no motive to kill the boy, a boy who could identify them beyond a doubt, who could identify them because the killers were not strangers to this country. Then the last stroke of a masterful plan. They make sure the bodies would never be found. Buried, burned, we may never know. They think this shields them from justice. For the next two years the defendants do everything possible to avoid arrest while they concoct fairy tales about politics and plots to kill them."

"They have striven by every means in their power to prejudice you, gentlemen of the jury, against not only the witnesses for the prosecution, but against the counsel on this side as well. I care nothing for the slurs and insinuations that may be thrown out against myself. I've been in this country too long and I'm too old a man to take notice of such things. But I do not like to have matters brought up before a jury in order to influence them that are not connected with the case on trial in any way. If the circumstances of this case do not point to these men as the murderers, where do they point? Explain them if you can. If you cannot, there is no reasonable doubt. Justice in the murder of an innocent child rests with you. You must convict."

When Catron finished, the room was still. It was almost midnight. After a five-minute recess Judge Parker read the charges and instructions to the jury. As he sent them to their quarters to sleep, Fall stepped up to the bench.

"Your honor," he said. "There is no reason to delay. The defense demands a verdict." Rumor had it that cowboys from Tularosa had a string of ponies ready to relay the defendants to Mexico if they were convicted.

"All right then, Mr. Fall," said Parker. "Let no one say that justice was delayed." He recalled the jury and sent them to the jury room to deliberate. Eight minutes later they returned. The foreman stepped forward and read their verdict.

"We find the defendants, Oliver Lee and James Gilliland, not guilty."

The entire courtroom jumped to its feet and exploded in shouts and applause. Well-wishers congratulated the defendants for half an hour; the celebration in Hillsboro lasted all night. But Lee and Gilliland were still under indictment for the murders of Colonel Fountain and Kent Kearney. After the trial they went back to Alamogordo in the custody of Sheriff Curry. All charges were dismissed two months later.

Grazing Goats

When his term as sheriff ended, Pat Garrett bought a ranch near the San Agustin Pass to raise cattle and quarter horses. People say he settled there to carry on the Fountain investigation, and was known to search the desert around Chalk Hill with Ben Williams. Nothing ever came of it. Garrett drank heavily and played poker whenever he could find a game. He became prickly and bad-tempered, went deep in debt and couldn't pay his taxes. After he borrowed money from his neighbor Bill Cox, he put his herd under Cox's brand so the tax collector couldn't take them. Cox wouldn't release the cows till Garrett paid off his debt and Garrett couldn't pay his debt until he got the cows. The only way out was be to sell his ranch, which he refused to consider. Then he got mixed up with Wayne Brazel.

Wayne Brazel was a hearty, good-natured boy who liked to break horses. He came to New Mexico with his family from Greenwood City, Kansas, and they settled by the San Agustin Pass near Fall's gold camp. After a few years Brazel became a cowboy for W. W. Cox. He was a dependable hand and loyal to his boss. One day while Garrett was away trying to make money with a real estate outfit in El Paso, Brazel and Print Rhode, brother-in-law to both Cox and Oliver Lee, made a deal with Pat's son Poe. They leased five years of grazing rights on Garrett's land in Bear Canyon but didn't say they were raising goats—Garrett couldn't stand goats and they knew it. Print Rhode hated Garrett ever since Garrett killed a man resisting arrest in Rhode's sister's kitchen while she was pregnant in the next room. Rhode was a hot-tempered cowboy who liked to brawl, and was Brazel's silent partner in the grazing lease. Bill Cox lent Brazel money for the deal. Brazel drove the goats to Bear Canyon right past the front door of Garrett's ranch. When Garrett found out, he rushed back from El Paso and found Brazel.

"Get those damn animals off my land," said Garrett.

"I have a legal contract says I don't have to," said Brazel.

Garrett said he never gave permission for goats.

"You gave me permission to graze," said Brazel. "I can graze anything I like."

“I swear I’ll get rid of them one way or another,” said Garrett.

Garrett swore out a complaint charging Brazel and Rhode with herding livestock near a residence. The trial was held at Cox’s butcher shop in Organ. When Rhode saw Garrett walk in the shop he shouted, “Garrett, step outside and we’ll settle this with our fists.” Garrett had the sheriff disarm Brazel and Rhode. The Justice of the Peace decided he could not find an impartial jury and refused to make a ruling himself. Court was recessed until the following spring.

One day a man named Carl Adamson appeared at Garrett’s ranch. He was a Kansan, short and stocky, a fast talker with a loud laugh that came too easy. He said he and his partner were driving a thousand head of cattle up from Mexico and needed a place to graze them before taking them to Oklahoma. Garrett offered Bear Canyon, but said first he had to get rid of Brazel’s goats. Garrett, Adamson’s partner Jim Miller, and Brazel met in El Paso to work out a deal.

“I won’t cancel my contract unless someone buys my goats,” said Brazel.

“How many are there?” asked Miller.

“I don’t know,” said Brazel. “About twelve hundred.”

“How much are you asking?”

“Three fifty a piece,” said Brazel.

Miller told him they didn’t need goats, “but we do need the land. I’ll find you a buyer.” Miller and Brazel signed a contract for the goats. Then Miller offered Garrett three thousand dollars to use Bear Canyon, and another thousand for Garrett to drive the herd up from Mexico. Garrett left the meeting relieved that his financial problems were solved. His good mood didn’t last long. When he got back to his ranch, Brazel notified him that he had eighteen hundred goats and wouldn’t cancel his lease unless Miller bought another six hundred. Miller said he didn’t know if he could, and told Garrett he might have to cancel the deal. Adamson went back to Garret’s ranch and they arranged to meet Brazel in Las Cruces to work things out.

The two men left Garrett’s ranch in Adamson’s rented buckboard the last day of February. It was unusually warm. Garrett seemed happy, but as he set out his wife told him not to trust Adamson. When they reached Organ they caught sight of Brazel in the

road ahead talking to someone. The other man rode off, and the buckboard overtook Brazel for the trip into Las Cruces. No one spoke for the first few miles until Adamson finally turned to Brazel and said, “Are your goats kidding yet?” Garrett didn’t think it was funny.

“How the hell do you suddenly have eighteen hundred goats when just last week you told us it was twelve?” Garrett shouted.

“I must have miscounted,” mumbled Brazel.

“The fact is, we don’t even want the twelve hundred,” said Adamson. “We just want the ranch. I don’t think we can do eighteen hundred. That just might be a deal breaker.”

“If I don’t sell the whole bunch, I won’t sell none,” said Brazel.

“I have to relieve myself,” said Adamson. He stopped the buggy, gave Garrett the reins, and stepped down to empty his bladder. Garrett could hear Brazel still mumbling behind him.

“Hell, I might just keep the goats and the lease.”

“It doesn’t matter what you want,” said Garrett. “If I don’t get you off one way, I will another.” Then Garrett stepped down from the buckboard to urinate too, taking his shotgun in his right hand so it wouldn’t accidentally discharge on the floor of the buggy. He took off his left driving glove and started to piss with his back to Brazel. Before he finished, a bullet sliced through the back of his head and blew out his right eye. He tumbled forward, rolling on his side as another bullet hit him in the belly and lodged up near his shoulder. When they found his body, his fly was still open.

Adamson heard a shot and turned around to see Garrett stagger and fall. Brazel was on his horse holding his six-shooter. “This is hell,” said Brazel. They rode into Las Cruces where Brazel found the deputy sheriff and said, “Lock me up. I just killed Pat Garrett.” He was indicted for murder and the judge set his bond at ten thousand dollars. Bill Cox raised the money that same day. Brazel pleaded not guilty by reason of self-defense. At his trial a year later the prosecution did not call Adamson to testify, nor did they introduce a series of telegrams between Brazel, Rhode, Adamson, Miller, and Cox. They did not call attention to the fact that Garrett loaded his shotgun with birdshot, not buckshot, something he would probably not do if he were planning to kill

someone. They did not point out to the jury that Garrett had been shot in the back, nor that Brazel claimed to be defending himself from a man who was emptying his bladder. The jury took fifteen minutes to reach a verdict of not guilty. Albert Fall defended Wayne Brazel. Fall was now a Republican—he switched parties five years earlier. When New Mexico gained statehood three years later, he and Tom Catron were its first U.S. Senators.

Part 2: Modern Times

Breeding Better New Mexicans

Marshall Frey was a progressive man. He worried over the woman question, and was well versed in the theory of evolution. He traveled Europe and studied Germany's experiment station farms. His father, a Presbyterian minister, came from a New England family that settled in the Middle West; his mother grew up in Galesburg, Illinois and went to Knox College. Both parents were devoted to missionary work. Though he drifted away from church, Marshall always thought survival of the fittest was part of God's plan. He was a moody but obedient child. When left to play by himself he loved to count things. He counted stars, clouds, trees, leaves, birds, insects, houses, fences, bricks, plates, chairs, books, and people. It comforted him. Despite a sheltered upbringing, he grew to be a vigorous man who valued exercise and fresh air, though his eyesight was poor and he suffered from migraines. Frey came to New Mexico from Madison, Wisconsin, to teach the new science of statistics at the fledgling College of Agriculture and Mechanic Arts in Las Cruces. He married Lucinda Johnson, a young widow and one of his first students. She was the daughter of a landowner from San Miguel and niece of Howard Guion, Colonel Albert Fountain's nephew. Before proposing, Marshall did extensive research on Lucinda's pedigree and was pleased with her connection to the Fountain stock. She had a son Victor from her first marriage to a soldier who died of yellow fever in the Philippines. While suspecting some unfitness in Victor's father, Marshall tried to give Victor what advantages nurture could offer. With the outbreak of the war in Europe Marshall became preoccupied with Germany's designs on Mexico. He kept an uneasy eye on the border and was happy to enlist when America joined the fight. The Army sent him to New Jersey where, despite

his poor eyesight, he served his tour of duty in the quartermaster corps processing supplies for the troops in France. A year after he returned home, Lucinda gave birth to fraternal twins, William and Henry.

Originally named Las Cruces College, both Albert Fountain and Albert Fall had worked hard to bring New Mexico's land grant school to the Mesilla Valley. Fountain steered the founding legislation through when he was Speaker of the House. He gave the college's dedication speech in Las Cruces and organized the cornerstone laying ceremony. Fountain called it the most momentous occasion in the history of the valley, and the *Rio Grande Republican* said it was worth a million dollars a year. Three thousand people attended the celebration. The local post of the Grand Army of the Republic, the Aztec Masonic Lodge, and the Knights Templar marched in full regalia behind the Fort Bliss army band. The cornerstone of McFie Hall, named for the first president of the Board of Regents, was a thousand pound block of Organ Mountain limestone. It wasn't long before Albert Fall complained the college was controlled by the Masons and gave printing contracts to the *Rio Grand Republican* without bids. When Democrats won the next election they made new appointments to the Board of Regents, transferred the printing contracts to the *Independent Democrat*, and hired Fall's brother-in-law on the faculty. Judge John McFie's nephew was set to be the school's first graduate, but was shot dead two months before he finished. They arrested a young cowboy named John Roper—so drunk he had no idea where he was when the boy was killed—and tried him for murder a week later. Roper's lawyer requested a change of venue, arguing it would be hard to find an unbiased jury in Doña Ana County. The judge refused. Colonel Fountain prosecuted the case with Judge Newcomb. Roper was convicted and hung.

Professor Frey took quickly to the new statistical work coming out of the Galton Eugenics Laboratory in London. He was the first person in New Mexico to subscribe to Karl Pearson's journal *Biometrika*. Alarmed by the intellectual shortcomings of his students, he saw no reason why breeding better New Mexicans was less important than breeding better cattle or corn. He was appalled by the squalid condition of the farms and farmworkers in the Mesilla Valley. Their adobe huts and flood-irrigated fields were so unlike the neat Midwestern dairies he was accustomed to. Race mixing

between Buffalo Soldiers and local Mexicans was proof of rampant degeneracy on the border. He was even more upset by the Mescaleros on their reservation in the White Mountains. “At least the Mexicans work,” he told Lucinda. “But our Indian policy is perverse. It promotes the propagation of the unfit.” Marshall was keen to improve society with the latest advances in science. Germplasm became his passion. He thought fitter families were essential to progress if New Mexico was to catch up with the rest of the country, and if the country was to catch up with Germany. More importantly, he felt preventing bad inheritance was the kindest thing to do for those afflicted. Looking up from his eugenics journal one day, Marshall said, “Lucinda, do you realize if the feebleminded were not allowed to reproduce, we could decrease the proportion of mental defectives in society by thirty-six percent in one generation?”

“Interesting,” she answered. “And how do you propose to do that?”

“Sterilization, of course. Or segregation.”

Lucinda said those involved might object.

“Yes,” said Marshall. “But what if they could be persuaded?”

“Good luck with that,” she said.

“Then society could require it.”

As a man who considered himself remarkably fit, Marshall felt obliged to follow his own natural desires regarding sex and reproduction—which Lucinda, a spirited woman, was only too was happy to fulfill. He had mixed feelings about birth control because his mother thought preventive measures turned women into objects for the sexual pleasure of men. She held that biology and God’s plan should not be thwarted as firmly as she believed in a woman’s right to vote. Lucinda, on the other hand, had no problem limiting the size of her family. Marshall thought her remarkably modern for a woman who grew up on the frontier.

Lucinda Frey was outgoing, quite pretty in a boyish way, with red hair and salmon colored freckles across her nose. She rode horses and spoke Spanish equally well, knew most of the farm families in the Mesilla Valley from Las Cruces down to El Paso, and was on easy terms with the local Mexicans and migrants. Being widowed at an early age, she had learned the importance of finding her own means of support. She was determined to use her intellect as well as her farm skills, and went to college for a

degree in home economics. Though she had remarried by the time she graduated and soon had the twins, she was eager to find work, and the cooperative extension service hired her as a home demonstration agent. It suited her well. She traveled Doña Ana County from one end to the other, teaching canning and nutrition to farm wives. Her Ford sedan became a familiar sight in the valley as she drove through pecan groves and chile fields to club meetings in the small hamlets along the river, her three children bouncing in the back seat. She and Marshall shared stories of the dreadful state of rural life on the border. To make matters worse, the influenza epidemic had left scores of orphans in its wake.

"The cost of caring for all these defectives will bankrupt us," Marshall fumed. "We can't build asylums fast enough." The state mental asylum in Las Vegas was bursting at the seams, and the legislature had just appropriated funds to build a home for mental defectives in Belen.

"Most of them have family somewhere, dear," said Lucinda. "They take care of their own."

"But we don't need more imbeciles living in hovels," said Marshall, "and we can't house them all at public expense. Prevention is the best practice for everyone. Especially for the unborn." Spurred by the demographic disaster he saw looming, he hounded local legislators to introduce a sterilization bill in Santa Fe. Their apathy was discouraging. No one seemed concerned about the IQ of farmworker families.

"I can't believe how backward this state is," he complained. "Wisconsin passed its sterilization law a decade ago."

"A decade ago we weren't even a state," said Lucinda. "You need to educate people here. It takes time, Marshall. Build support."

"Then we need a survey," said Marshall. "We'll show them the facts. The inadequate classes will speak for themselves."

Professor Frey sought help from his colleague Truman Perkins, a young psychology professor at the college. Perkins was sympathetic. Through Perkins' efforts Frey made presentations to the Children's Aid Society, the New Mexico Commission on Country Life, and the New Mexico Conference of Social Work. An anonymous philanthropist donated $5,000. After forming an advisory board, the Southern New

Mexico Eugenics Survey, under Frey's direction, hired Harriet Gifford to begin its operations. Miss Gifford was an experienced social worker with degrees from Vassar and the Chicago School of Civics and Philanthropy. She was a tall woman with handsome blue eyes—competent, proper, and self-assured. After working in Illinois and Kentucky she went west to join the Children's Aid Society in Albuquerque. The well-being of families and the welfare of children were her life's work. From the tenements of Chicago to the hills of Appalachia, she had rescued hundreds of children from depravity and parental incompetence through her efficiency and zeal. The dust, the heat, the insects, the squalor and poverty of her subjects in Doña Ana County did not cause her the least distress. Though she worked with an interpreter, she picked up Spanish quickly. Frey sent her to Cold Spring Harbor on Long Island for training at the Eugenics Record Office. She returned ready to identify cacogenic families and delve into their inborn flaws.

Professor Frey established a steady correspondence with Charles Davenport, director of the Cold Spring Harbor Station for Experimental Evolution, seeking his advise on the survey's execution. "I am most certain," wrote Davenport, "that the alarming rate of degeneracy on the border is due to the presence of your large Mexican population, with its admixture of Indian blood. The problem lies in their high reproductive rates, and the danger of race mixing which can only degrade the genes of the American pioneer stock that has brought so much progress and civilization to the Southwest. I suggest you concentrate your efforts on families that cross the border, in addition to the usual studies of criminals, wayward girls, and mental defectives."

"For devout Catholics, these people are very lax in their marriage arrangements," Gifford told Frey as she began constructing her pedigrees. "It seems many men have families on both sides of the border. What kind of support can they provide to all their children? It perpetuates their poverty and breeds immorality."

Miss Gifford soon became interested in a young woman from Anthony who had spent time at the insane asylum in Las Vegas for licentious behavior. The girl was found having sex with men at the Rio Grande Hotel in Las Cruces while working as a maid, and gave birth to a baby with cerebral palsy. The superintendent of the asylum, however, felt her problem was not insanity. He diagnosed her with a low level of

intelligence and felt she was easily led astray because of poor judgment and trouble controlling her impulses. Soon after the unfortunate young woman returned to Doña Ana County she became pregnant again by the son of a local hardware store owner. Gifford's meticulous pedigree found a troubling incidence of drunkenness, criminality, and unwed mothers in her relations. Harriet brought this to the attention of Professor Frey as an example of the kind of family that eugenic legislation could prevent. Frey was delighted, and eager to see firsthand the pathetic soul who needed their attention.

Angelina Blevins was exactly the kind of young woman Charles Davenport imagined while pondering the inheritance of immorality from his oak-paneled office overlooking Long Island Sound. Her father was a railroad fireman from East Texas, a hard-drinking brawler who married a local Mexican woman and left for parts unknown soon after Angelina was born. Angie, as she was called, was seventeen years old. Frey was surprised to find her a healthy looking, good-natured girl, with green eyes and a pleasant smile marred only by a large gap in her top front teeth. She dressed as well as her means allowed and her speech was surprisingly normal, but Frey saw something lewd in her manner and suspected she had the mental age of eleven. He thought syphilis might be the cause, even though Miss Gifford assured him that Angie and her first child were tested and uninfected. The Children's Aid Society arranged to place Angie's new baby with relatives in Mesilla, and Angie was to be remanded to the state home for wayward girls in Belen after giving birth. Gifford saw this as the opportunity for a test case.

"It's not fair to society to have to care for her defective children. It's not fair to her children to be born defective. It's not fair to her to be a mother who can't care for her own children. Sterilization is the obvious answer here," said Harriet.

Marshall agreed, but said that segregation would also be effective.

"If she were unable to care for herself that might be necessary," Harriet replied. "But she can do that with proper training and supervision. She is a moron, not an imbecile. She need not be a burden to the public."

"Do you think you can persuade her to have the operation?" asked Marshall.

"Yes, if it will keep her from being committed."

"Then go ahead. It's the right thing to do."

Miss Gifford found a surgeon in Las Cruces who agreed to perform the procedure free of charge. They had only to reach an agreement with the court that her sentence be suspended if she gave free consent for sterilization. Frey used the connections of his advisory board members to lobby the Board of Corrections. He included a copy of Harry Laughlin's model eugenics sterilization law, just released from the Eugenics Record Office, with his plea. Laughlin's model was carefully crafted to withstand constitutional objections.

"Our main problem is opposition from the Catholic Church," Harriet told Marshall. "They hold sway over some of the commissioners. They will oppose any interference in reproduction."

"The Catholic Church is in the Dark Ages," railed Marshall.

"Maybe so," said Harriet, "but they still have a great deal of influence here."

"They say they care about people's souls, but they don't give a damn if people live in squalor, or at taxpayer's expense. I say we proceed."

"Even if she has to serve her sentence?" asked Harriet.

"Absolutely. It's for her own good, too."

For her part, Angie seemed pleased with the attention she was getting. Miss Gifford gave her papers to sign for voluntary sterilization after she gave birth.

"I know you want what's best for me, Miss Gifford," said Angie. "But Father Muñoz told me it would be a sin to have an operation like that."

Harriet said she was sure Father Muñoz was a nice man. "But he's not very educated and there's a lot he doesn't know. You aren't afraid of the operation, are you?"

"Yes ma'm, a little."

"Don't be. There's nothing to it. It's perfectly safe and you won't feel a thing."

"I want to wait a bit and think on it," said Angie. "If you don't mind."

Miss Gifford tried her best to convince Angie that the priest was wrong, but still couldn't coax her to sign. It was frustrating, though no surprise given Angie's intellectual shortcomings. Harriet arranged for Angie to be housed in Las Cruces as she neared term. When Angie went into labor, Harriet escorted her to the hospital and persuaded her to sign consent for sterilization between contractions. Angie gave birth

to a healthy baby girl and her fallopian tubes were promptly tied. She was sent off to Belen a week later and soon became moody and withdrawn. The doctor prescribed iron. Her blood count came up but her spirits didn't. Harriet continued to petition for her release, swearing that she was no longer at risk for lewd and lascivious behavior. The home, originally designed for fifty girls, was quickly overcrowded, and the superintendent was glad to have an excuse to get rid of someone. On his recommendation, the Board approved Angie's release and she was sent back to Las Cruces where Miss Gifford found her a position as a domestic with Professor Perkins.

"We've made a good start," Marshall told Lucinda. "but we have a lot of work to do before we can get the legislation we need. It will be hard to limit the Mexican population. I didn't realize how powerful Papists were in this part of the country."

"I can understand eliminating delinquents and defectives," said Lucinda. "But I don't understand all this fuss about Mexicans. I grew up with them. They're some of the best families in the county. And certainly the oldest."

"Yes, maybe they are," said Marshall. "But the families you're talking about are really Spanish. They came to this country like our pioneers. They're not like these mixed bloods who come over the border and cause all the trouble."

Lucinda shook her head. "We manage to get along pretty good."

"You're too kind-hearted, Lucinda," said Marshall. "And you don't have a scientific appreciation of heredity. I'm just looking at the facts. The feebleminded come across the border and reproduce freely here. Paupers are growing at a much faster rate than the offspring of your good families. And even those Spanish families are tainted with Arab or African blood."

Lucinda was proud of her work with the cooperative extension service. She enjoyed giving home demonstrations, and the farm women liked to socialize at them in each other's homes. One of her biggest supporters was Miguel Tellez, a young farmer she'd known since childhood. He inherited his family estate when his father drowned in an irrigation ditch after a horse kicked him in the head. He was a calm, cheerful man with a round face and deep tan complexion. "Marshall may be right," thought Lucinda.

“He could have some Arab blood.” She began to imagine him as a sheik, though he looked nothing like Valentino. Tellez was experimenting with farming methods he’d learned from the extension agents, and wanted to teach his workers new skills. Tellez’ mother hosted many of the demonstration club meetings at their home in La Mesa. Miguel went with Lucinda on trips down the valley to Chamberino and La Union to meet with farmers while she taught sanitation, sewing, and home decoration to their wives and daughters. She often left her children with his mother, who liked to watch them play in the irrigation canals and the shade of cottonwoods by the river.

The Southern New Mexico State Fair was the social event of the year and a showcase for the College’s work. As it approached, Professor Frey was more excited than usual. He had arranged for the American Eugenics Society to hold a Fitter Families Contest. With the help of the Red Cross he gathered a group of doctors, nurses, clergymen, and university faculty to serve as examiners. The Eugenics Record Office provided standardized forms for judging family fitness. The Eugenics Survey Advisory Board raised money for a eugenics exhibit and an examining station for the contest. Miss Gifford oversaw construction of the exhibits to demonstrate to the public how heredity works—generations of guinea pigs stacked in cages to show the inheritance of hair color, and human pedigrees illustrating how the pattern of color blindness and Huntington Disease affects families. An electrician helped her make a poster with flashing lights to indicate the birth frequency of criminals and mental defectives. She was most proud of their little Mendel’s Theater with its miniature columns and red velvet curtain, showing how intelligence was passed on from generation to generation.

Angie Blevins loved the state fair, too. She liked the animals and the carnival rides, but she enjoyed the music best of all—mariachis, dixieland, country fiddlers and singing cowboys, waltzes and marches, all of it. It made her want to dance. When Professor Perkins’ wife was kind enough to give her a Saturday off, she spent the morning fixing up her hair, putting on her best dress, and applying the make-up she had pilfered from Mrs. Perkins. Then she walked to the center of Las Cruces and took a bus to the fairgrounds. It was a typical fall day in the Mesilla Valley, hot in the sun and

pleasant in the shade. She could see the Franklins, the Organs, the San Andres, all clear as glass, from El Paso right up to Hot Springs. Angie was always happiest thinking of pleasures she was about to have, even more than from the pleasures themselves. When she got to the fairgrounds she went straight to the rodeo. She watched each rider intently, thrilled by their daring, losing track of time until she realized she was hungry and wandered off to find some enchiladas and cotton candy. As she walked past a line of exhibit booths a crowd caught her attention. Moving closer, she saw it gathered around Professor Frey and Harriet Gifford. She rose up on her toes and waved but they didn't seem to notice her. Miss Gifford was passing little bronze medals to Professor Frey, who pinned them on the chests of a each member of a large family standing next to him on a platform. Everyone in the family—the mother, father, four girls and two boys—was smiling, scrubbed, and neatly dressed.

"Yea, I have a goodly heritage," said the Professor, reading the inscription on the medals. "Wear them with pride. For a husband and wife who have chosen each other wisely, producing these children who are free from any defect. For these children who are growing up healthy and productive. A nation with families like yours will thrive and prosper. Families like yours will assure us a fitter future." Angie joined the applause that followed—the family looked so happy standing next to the Professor that she clapped louder than anyone. Some of the onlookers glanced at her uncomfortably and moved away but she didn't notice. She waited until the crowd broke up and went in the exhibition building where a poster with flashing lights caught her attention. From outside the doorway Frey saw an attractive young woman standing in front of the sign that read, "Every 15 seconds $100 of your money goes for the care of persons with bad heredity such as the insane, feeble-minded, criminals and other defectives". He instinctively walked over to explain the poster's message and was surprised to find Angie Blevins peer up at him.

"Why, Angie," he said. "I didn't recognize you."

"Hello, Professor Frey," said Angie. He was struck by her appearance and felt she looked at him boldly. "I don't understand this, Professor. People say I'm feeble-minded, but I never saw any of that money." She pointed at the sign with its little bulb flashing every fifteen seconds.

“It’s gone for your care, Angie. For the hospital, the home, and the care of your babies,” said Frey uneasily. “Why don’t you come and see the guinea pigs?”

“All right.”

Frey escorted her across the room to the neat cages of black, white, and tan spotted guinea pigs stacked by generation.

“What’s this about?” she asked.

“This shows how the mother and father’s color gets passed on to their offspring.”

“Like my babies have my eyes.”

“That’s the idea,” said Frey.

The thought of her babies make Angie feel sad for a moment. She stood still and breathed deeply until she remembered she was at the fair to enjoy herself. Frey moved closer and could feel the rustle of her dress as she breathed.

“That was a nice family you gave the medals to,” she said.

“Yes,” said Frey. “They’re very fit.”

“So how do you know they have a ...a… goodly heritage?” Angie laughed self-consciously as she spoke the words, but she was eager to know.

“We ask questions about their family and their ancestors,” he said. “And we do a health examination.”

“For what?” she asked.

Frey stood close behind her, catching the scent of Mrs. Perkins’ perfume. He glanced involuntarily at Angie’s brown shoulders and the curve of her neck. Without thinking he said, “Why don’t I show you?”

“All right.” Angie turned to him and smiled. “That would be nice.” He noticed the gap in her teeth and fullness of her lips, reddened with Mrs. Perkins’ lipstick. “You’ve always been so nice to me.”

They strolled next door to the empty examination tent. Large wooden panels lined the walls and screened off rows of exam booths. The electricity was turned off but sunlight filtered through the canvas roof.

“You must have examined a lot of people in here,” said Angie.

Frey said they had, over a hundred.

“What do you look for?”

“Signs of good health,” he said. “A straight spine. Strong lungs. Clear skin.”

“I have those,” said Angie playfully.

“Do you?” said Frey.

“Sure I do. Why don’t you examine me and see?”

Angie took Frey’s hand and pulled him into one of the darkened examination booths. The air inside was warm, still, but not stuffy. The noise of the fair seemed far away. She hopped onto the edge of a metal exam table, kicked off her shoes and sat with her chest held high.

“Is my spine straight?” she asked, holding the pose with her chin tilted up, showing the soft line of her throat.

Frey stepped back and gazed at her figure. “First I have to examine your eyes,” he said. He took a deep breath as he positioned himself in front of her, extended his arms and pulled down her lower lids as gently as he could. “Very clear, I must say,” he whispered. He took another deep breath and leaned closer. “Now your mouth.” He paused a moment as she moved so near her face was a blur. Then his lips pressed down on hers as if drawn by their magnetism, and the weight of his body pressed her on the table. She started to struggle but decided the best thing was to be nice and give him what he wanted. He pulled at her clothes and at his own until their mid-sections were bare, then fumbled wildly as she helped as best she could. She kept her eyes closed and held him on the table while he rocked against her and panted quietly. He had just finished when they heard Harriet Gifford’s raised voice.

“What’s this? Who’s in here?”

Harriet burst into the booth before Frey could get his pants up. Angie was still supine on the exam table.

“Professor Frey?” She stared at them in horror. Then she recognized Angie. “Oh my God! What has she done to you?”

Frey quickly gathered his wits. “Help me, Harriet. This woman is deranged. She preyed on my kindness and now look what she’s done.”

Angie slid off the exam table in tears and tried to straighten her dress. “I’m so sorry, Miss Gifford,” she sobbed.

Harriet slapped her twice across the face. “You deviant! Sterilization was too good for you. We try to help and this is what you do.”

Angie fell to the floor and curled in a ball while they called the police. The sheriff’s men arrived promptly, pulled her to her feet and took her away in handcuffs. Harriet gave details of Angie’s past criminal behavior as she accompanied them to the jail, while Marshall stayed behind to find his glasses and clean himself up. “High grade morons are the most dangerous,” Gifford told the sheriff.

Soon after Angie’s arrest, Harriet Gifford resigned from the Eugenics Survey and moved to New York for graduate study. Marshall Frey was thankful they had the foresight and good judgment to have Angelina Blevins sterilized. While it prevented the birth of more morons, he realized it failed to diminish her excessive sex drive or cure her moral deviancy. Once again the court found her a danger to society and returned her to the school for wayward girls, now renamed the New Mexico Home and Training School for Mental Defectives. She was released after two years. Six months later, at the urging of Professor Perkins, she underwent voluntary castration. She grew fatter and more placid as the years passed, and didn’t cause society any more trouble. Although he lost some of his fervor for eugenics, Professor Frey kept up with the latest advances in genetic science. He developed a passion for new strains of chile resistant to leaf rot. Lucinda Frey gave birth to a daughter they named Anita. Her father was Miguel Tellez. Though Anita’s complexion was not as light as his, Marshall thought the little girl looked every bit a Frey and raised her as his own without the slightest question.

The Gadget in the Basin

Marshall Frey's son William was a short, stocky man with a fair complexion and hair so blond it was almost white. Bill Frey was highly opinionated, exacting and quarrelsome, though most people owned he had a nice singing voice. He married Betty Raley, a schoolteacher from Hatch he met at the roller rink on Alameda. Instead of being drafted when he graduated from Cal Tech, Bill took a job as a civilian on the Manhattan project. He was assigned to a team at Los Alamos designing lens detonators for the bomb. They had to coordinate the gadget's initial implosion so a spherical shock wave would crush the plutonium core to critical mass. He was sent to the Tularosa Basin as part of a crew to prepare Trinity site for the bomb test while Betty did her best to fix up their tiny prefab home in Los Alamos. The army accommodations at Trinity were primitive, and the Malpais was as lifeless and bleak as ever. His work was delayed as he waited for more parts and equipment. He grew moody within days.

"I'm getting cabin fever," he told his boss, a tall Englishman named Titterton.

"Then go for a walk," said Titterton. "Hike up the hills or something."

The next Sunday Frey sighted a line toward Sierra Blanca and started walking east toward the White Mountains. After an hour he came to a rock formation with some petroglyphs that caught his attention. Looking down, he saw a swastika carved in a small rune. "The Nazis are coming," he thought. He returned to Trinity in greater despair.

"We still don't have a switch for the detonators and the Germans are coming," he told his boss.

Titterton asked what he meant by the Germans.

"They're coming here. I saw a swastika in the rock," said Frey. He looked tired.

"Probably an old Indian sign," said his boss.

"I know that," said Frey.

"Why don't you take tomorrow off," said Titterton. "We're can't do anything till the equipment arrives."

Bill took a train to El Paso the next day, thinking he would buy some gifts for Betty across the border in Juarez. When he arrived at the station he was even more tired than the day before. As he walked from the train he felt suddenly cold and started shaking. He sat down on a bench with a coughing fit and found he had trouble breathing. Two soldiers from Fort Bliss saw his distress and tried to help him stand up, but his legs would barely hold. The soldiers hailed the stationmaster who called an ambulance and Frey was taken to Hotel Dieu with pneumonia. Betty came down from Los Alamos and was at his bedside the next morning. He slept for most of the next three days until his fever broke. One evening after Betty went back to her motel he felt bored, and strong enough to wander into the hallway. There was an elderly patient in the room across the hall from him who had frequent visitors and seemed to get a lot of attention. When he thought the man was alone, Frey decided to pay him a visit and knocked on his door. He heard a cough and then a surprisingly firm voice say, “Come in.” When he entered he was greeted by a frail but distinguished looking man with a bushy mustache and fringe of white hair around his bald head, propped up on a bed strewn with newspapers and books.

“You’re not a doctor. Who the hell are you?” shouted the old man.

“I’m a patient,” said Bill Frey. “In the room across the hall.”

“Is that why you’re not in the military? You’re too sick?” snapped the man as he sat up in bed.

“No, sir,” Frey snapped back. “I’m an engineer. I’m working on a military project.”

The old man asked him what kind of project, and Frey told him it was weapons.

“Here at Fort Bliss?”

“No, up near Alamogordo.”

The man paused and looked away for a moment. “I came to this country before there was an Alamogordo. I used to have a ranch up there,” he said. “Just west of Sierra Blanca. Prettiest spot you ever saw. You could see across the White Sands to the San Andres just like I see you standing there.” He pointed at Frey, paused again and seemed to perk up for a moment.

“I’m Albert Fall,” he said and held out his hand.

“Bill Frey,” said Frey and shook it. Fall’s grip was feeble. The effort seemed to wear him out.

“My son died there after the last war,” said Fall. “I never got much joy from the place after that.”

“I’m sorry,” said Frey.

“Except maybe from the library. Influenza took my daughter, too. I don’t know why I’m still here.” Fall’s face contorted for a moment and his expression went blank.

Frey moved to leave but Fall called him back. “What kind of weapons are you working on up there?”

Bill told him it was explosives.

“For what?”

“It’s classified. I can’t really talk about it.”

“Oh, then it must be that atomic bomb or something. Site Y and all that. It’s all a waste of money if you ask me.”

“I better go,” said Frey. “It’s time for my treatment.”

While Frey convalesced, he visited Judge Fall evenings after Betty left for the night. Fall had spent the two years since his wife’s death in a hospital room at Hotel Dieu, a convert to Catholicism during a bout of pneumonia after serving his prison sentence in Santa Fe. The pastor of the Mescalero Reservation, Albert Braun, had baptized him. Fall liked to talk about ranching and mining in the frontier days, but kept up-to-date on the war as well. He worried about Father Braun, a Japanese prisoner of war captured on Corregidor. It was hard for Frey to imagine the frail patient in his hospital pajamas as the villain of the Teapot Dome scandal. Fall finally spoke about his role in the oil leases when their conversation turned to Pearl Harbor.

“If you ask me,” said Fall, “the war is already won. Without any of your fancy new weapons.”

“There’s still a long way to go,” said Frey. “What about those new things the Germans are throwing at us? Rockets, jet planes, who knows what.”

“Too little, too late,” said Fall. “Pearl Harbor looked like a disaster, but it was clear from the start the Japs were going to lose. Why? Because of the oil. The only

reason we pushed them back was because we had oil reserves at Pearl where we needed them. What good was oil to the Navy sitting underground in Wyoming?"

"The reserves? That was your idea?"

"Damn right," said Fall. "That was Teapot Dome. It would have taken a year at least to pump it out of the ground and get it to Hawaii."

"But what if the Japs had bombed the oil tanks at Pearl?"

Fall's eyes turned cold. "But they didn't, did they. In all my years of public service, my oil storage plan is the thing I'm most proud of. It saved this country and what did I get for it? A prison cell for taking out a loan from an old friend."

Frey wasn't sure how to answer. "I guess it didn't look like a loan," was all he could say.

"What does that mean?" snapped the Judge.

Bill Frey didn't like to be snapped at. "Wasn't there a black bag with $100,000 in cash? From a friend of yours in the oil business?"

"Now let me put this to you," said Fall, sitting up in bed and jabbing his finger at Frey. "I was convicted of taking a bribe, but the man who gave me the money was acquitted of giving one. In the same court, with the same judge, the same prosecutor, the same defense counsel, and the same damn evidence. Explain that to me."

"I couldn't say," said Frey. "I'm no lawyer."

"You don't have to be a lawyer to figure it out," Fall shouted. "It's all politics." He started coughing and slumped back on his pillow. "Just dirty politics," he rasped, and coughed again. Fall closed his eyes and lay silent. A moment later, eyes still shut, he said, "My wife died in your room across the hall."

Frey slipped out quietly when he saw the old man was asleep. That evening he heard footsteps and whispers in the hallway. When he peeked out his door he saw a stretcher bearing a corpse from Fall's room. A nursing sister saw him and whispered. "Judge Fall passed away. God have mercy."

Frey was discharged from the hospital a week later. He kissed Betty goodbye in the El Paso train station and she went to visit her sister in Hot Springs on the way back

to Los Alamos. When he got off his train at Carrizozo he had the stationmaster point out Three Rivers.

"Right up there," said the stationmaster. "The old Fall place. Quite a spread. You should've seen all the big wigs used to show up there."

"What happened?" asked Frey.

"Fall lost it when he went bankrupt. Doheny's widow kicked him and Emma off the place like they were beggars. Saddest thing you ever saw."

Frey gazed up at the pine-green slopes rising high above the desert. The jeep driver honked impatiently and Bill hopped in for the ride back to Trinity. After taking his measurements, he returned to Los Alamos where his team worked out the timing of the switching device. It had to detonate high explosive lenses at thirty-two different points within a millionth of a second. They worked nonstop for months. Betty finally convinced him to take a break one Sunday and join an outing to Frijoles Canyon. They sat together in the back seat of the car as it went past the guards at the Western Gate and bumped along a rutted dirt road for the eighteen-mile trip along red sandstone slopes studded with pinyon pine. The driver was Klaus Fuchs, a young physicist with large round glasses on his bookish face, newly arrived with the British Mission. His family came Leipzig, Germany, where his pacifist father taught theology and eventually became a Quaker. His grandmother, mother, and a sister committed suicide. Fuchs fled Nazi Germany for political asylum in Britain and was granted citizenship when they recruited him to work on the Tube Alloys project. He seemed uncertain and tentative at the wheel. The car bounced and skidded from one side of the dusty road to the other. Betty thought Fuchs was uncomfortable because Laura Fermi was sitting next to him. Laura did her best to make conversation, but Fuchs kept his polite, polished reserve. Bill was glad to see Klaus on the outing. He knew Klaus had come to work on the critical mass problem for plutonium and Bill wanted to be sure he understood the requirements for his lens explosions. After they arrived at the canyon he pulled Fuchs aside for a talk. They walked out of earshot of the other picnickers, past some Anasazi ruins and drawings on the rock walls. Bill looked for swastikas but found none.

"I think we have the lenses worked out," said Frey. "Has Kistiakowski gone over the shock wave conformation with you?"

“With me, no,” said Fuchs. “But I heard something about it from Fermi.”

“Does he think it will work?” asked Frey.

“We’re still doing the calculations,” said Fuchs. “Oppie’s afraid it might fizzle.”

“I know.”

“Why don’t you explain your design to me,” said Fuchs. “I’ll tell you what I think.”

Fuchs took a pencil and a small notebook from his jacket pocket. He scribbled notes as Bill described the design of the lenses in as much detail as he could.

“Ya, maybe,” said Fuchs as Bill concluded. “We’ll know soon.” They rejoined the rest of the group and returned to Los Alamos in good spirits.

In late spring Frey was back with Titterton’s group at Trinity. The bomb tower and the observation bunkers were now finished. The Friday before the big test, Frey supervised the attachment of cables to the detonators and ran them to a bunker half a mile away. The evening of the test Titterton called his group together. “Oppie’s worried about sabotage. He wants somebody to babysit the gadget on top of the tower. Frey, I’d say you’re the best climber here.”

“That doesn’t make any sense to me,” said Frey.

“Nor to me,” said Titterton. “I think Oppie’s a little nervous. Let’s humor him, shall we?”

Frey brought a book of crossword puzzles to pass the time and climbed the hundred feet to a metal shack that housed the bomb on top of the tower. The gadget was all wired and ready to go. The shack was open on one side, with no windows. Inside was a folding chair, a 60-watt light bulb and a telephone. He had no idea what he was supposed to do if someone tried to sabotage the bomb. He didn’t even have a gun. A violent storm hit the Basin after midnight. Frey thought the odds of lightning striking the tower were pretty good, but reasoned the tower would act like a giant lightning rod and conduct electricity into the ground instead of setting off the bomb. The final countdown began when the weather cleared just enough before dawn. He climbed down and drove to the control bunker to wait for the outcome. If the gadget fails, he thought, they’ll blame the detonator. Then came a flash of light and he knew it

hadn’t. The Malpais, the White Sands, the San Andres, Three Rivers, all lit up instantly as if someone flipped a switch and flooded the Tularosa Basin with colors no one had ever seen before. Half a minute later the blast wave hit. In the bunker, Fermi dropped pieces of paper and from their displacement estimated the yield to be about 10 kilotons. The sound of the blast echoed among the mountain ranges—White Mountains to the San Andres, Organs to the Sacramentos and back—for a very long time. Frey felt exhilarated, then worn out, then worried.

Germans

Bill Frey was ecstatic when he heard they dropped the bomb on Japan. “Serves them right,” he told Titterton.

Titterton said he wasn’t so sure.

“They started it,” said Frey. “And they were warned.”

“I thought we just wanted a bomb before the Germans got one,” said Titterton. Two weeks later Titterton was back in England. Now that the war was ending, Frey realized there was something fishy about the British mission he never really liked.

If it wasn’t Germany, Frey knew other countries would have atomic bombs soon enough, and he was sure one day they would try to use them against America. He quit his job at Los Alamos and joined General Electric to test rockets at the new White Sands Proving Ground, just on the other side of the Organs from Las Cruces. The first thing he found when he got there was a group of war department “special employees” —Germans assembling V-2’s shipped from Peenemunde under the direction of Wernher von Braun. The Army had hauled three hundred freight cars of German rocket components to Las Cruces and trucked them over the San Agustin pass through the old Cox Ranch. The Freys rented a California-style bungalow in Las Cruces in a new neighborhood full of private government contractors. Betty started teaching fourth grade and soon learned she was pregnant. The Germans were housed near El Paso at Fort Bliss. They kept to themselves and the Army watched them closely. One day Frey was in the commissary line at the missile range behind a pretty young woman speaking halting English to Ernst Gehlen, one of their senior engineers. Gehlen was a thin, stooped, chain smoking man who taught at Gottingen before the war. The woman was his daughter Emma, dressed like a foreigner in dark well-tailored clothes. Turning to Bill, she pointed at an item on the shelf in front of them and said, “Excuse me. What do you call that?”

“A doughnut,” said Frey.

“Yes, a doughnut,” she said. “But there are no nuts. Just fried dough.”

“That’s right,” he replied.

She said she didn’t understand.

“Understand what?”

“Why you like them.”

“I don’t like them,” he said.

“Oh.”

She whispered something to her father in German and they moved their trays to the cashier. Frey retained a hazy impression of her for the rest of the day. That weekend he went to El Paso to buy some new clothes and got a haircut without knowing quite why. The next week he looked in vain for Emma at the commissary, and again the week after. A month later he had almost forgotten her as he drove to the proving ground’s Fourth of July picnic in Cloudcroft, high above the desert heat in the pines of the Sacramentos. Bill and Betty Frey brought their new baby boy Albert. Among the other missile range scientists, engineers, and their families, Ernst Gehlen was there with Emma. The Gehlens were welcoming a new group of Germans who just entered the country from Ciudad Juarez to work on the V-2 project. The more outgoing of the newcomers joined in softball, horseshoes and sack races while the others watched wryly. There were dishes of enchiladas and bratwurst among the traditional hamburgers, hot dogs, and watermelon. When Emma saw Bill standing in line for a burger she came over and spoke to him.

“I know you. You’re the man who doesn’t like doughnuts,” she said affably. This time she was dressed like a casual American girl in shorts and sandals. Her legs were long and tanned. She wore bright red lipstick and her dark hair hung down in a short ponytail.

“And you’re the girl who’s looking for the nuts,” he replied.

“I think maybe you’re one of them,” she said.

“You’re picking up English fast.”

“Not English, American,” she said, smiling.

“You’re here with your father?” he asked.

“Yes, he’s over there. With Wernher.” She turned and pointed them out. Both men’s heads were engulfed in tobacco smoke, the ends of their cigarettes pinched between their thumbs and index fingers European-style like small musical instruments.

“And your mother?”

Emma said she was killed in the war.

“I’m sorry,” said Bill.

“Don’t be. Many people were killed. It was a war.” Before Frey could speak she changed the subject. “Was that your baby I saw with you? And your wife? I should like to meet them.” They walked over to the picnic table where Betty was chatting with another young mother holding a toddler on her hip. Bill introduced them and wandered off to join the Germans talking with von Braun.

“What a beautiful baby you have,” said Emma. “Someday I hope to have such a beautiful baby like yours.” She smiled at little Albert as Betty looked on proudly. The women exchanged compliments until Emma excused herself and drifted back to the group of men gathered by her father.

“So you really think the bomb was dropped to save American lives?” asked one of the new Germans in his heavy accent.

“Of course,” said Bill. Von Braun nodded politely and slipped away to the dessert table.

“Maybe so,” said Ernst Gehlen, “but I think it was simply revenge. Blood vengeance for Pearl Harbor.”

“It was about stopping the war,” said Bill.

“Yes, but that could have happened in many ways,” said Gehlen. “I think your leaders knew there were other options. First they wanted revenge for the humiliation they suffered. Like the V-2’s. Right Wernher? Vergeltungswaffe.” Gehlen looked around but von Braun was out of earshot. “They were willing to pay millions of dollars to rebuild Japan after the war, but first they wanted revenge. That’s a natural feeling don’t you think?”

Frey shook his head skeptically. “It saved America lives.”

“And sent a message to the Russians,” said Emma.

Bill nodded. “That, too.” After dark they watched the fireworks display as children ran around waving sparklers. When the picnic ended he was reluctant to leave the mountain air for the drive back to the desert.

The Treasure of Lozen Peak

Betty and Violet Raley were sisters who grew up just north of Las Cruces in the town of Hatch, named after the army general and Indian fighter. Their grandmother Lucy Raley was Jim Gilliland's sister. Lucy's husband Walter was a rancher in the Sacramentos who was shot and killed by Bill McNew in a dispute over water, but some said he knew too much about the Fountain case. McNew shot Lucy in the neck when he killed her husband but she survived. Their son Carl was fourteen when he saw his father gunned down and his mother wounded. He was never quite right after that. He married Letha Knox, an orphan who worked on Oliver Lee's Circle Cross ranch. When Letha Raley got tired of her husband's drinking she moved the girls to Hatch. A year later Letha died of a stroke. The girls didn't see their father or his family after that. Betty was a serious girl who liked school and studied hard. She was sturdy, big boned—handsome enough—with light wavy hair and a nice complexion. She became a school teacher and married Bill Frey. Her younger sister Violet was slim, graceful, and plain looking. Violet dreamed of getting rich. She knew that would be hard to do in Hatch, so she moved to Hot Springs and took a job as night manager and bookkeeper at the Geronimo Hotel and Spa. Violet was usually friendly and sweet, but had a bad temper when crossed.

One day a good-looking young chiropractor named Francisco Tafoya showed up in Hot Springs. "Bud" Tafoya grew up in Las Vegas, just east of Santa Fe. From an early age he knew he'd be a salesman. First he sold encyclopedias, then vacuum cleaners. He was driving to a Hoover sales convention in Chicago when his car broke down in Davenport, Iowa. While waiting for repairs he had an asthma attack and went to the Palmer School of Chiropractic for treatment. As he got better he started hanging around the school. He didn't know what to make of their philosophy, but thought there was money to be made manipulating spines and decided to enroll. After six months he was broke and had to drop out, figuring he knew enough to work his way back to New Mexico. He was jailed briefly in Kansas for practicing medicine without a license. When he finally arrived in New Mexico, he thought a health resort would be a good place to

start his practice. Bud was charming, outgoing, full of plans and ideas, but could be suspicious and brooding at times. He liked to hang out in bars and tell stories. Men sought his company though he never had any close friends. When Violet spied Bud at a hotel dance dressed in his black shirt, black hat and string tie, she thought he was the handsomest man she ever saw. He had a big smile for everyone the whole evening. She decided they would make a good team and struck up a conversation. He liked to dance and she was a good dancer too, so they went on the floor and soon were showing off their moves. That was the beginning of their courtship. To hear Bud talk, he had more ambition than any man she ever knew. Four months later they were married and Violet was managing his practice. Bud liked to spend money as fast as he made it, which exasperated Violet. She wanted to buy a nice house to entertain wealthy tourists and ranchers. She reckoned that knowing people with money was the first step to getting it. Bud seemed happy to have a drink with anyone who'd listen to him and didn't like to work all that hard. He was drafted after Pearl Harbor but wheezed his way out of the Army.

One Sunday in July, Violet and Bud rode into the San Andres to get away from the heat. They pitched camp by a spring in Cuenca Canyon near Lozen peak. A loud thunderstorm kept them up most of the night, but at dawn the air was cool and clean. Violet had just started making coffee when the country lit up so bright she thought she was dreaming. Bud was still in the tent getting dressed, and she could see him through the canvas as if he was standing right next to her. He staggered out in his underwear. "What the hell?" he kept repeating. When the blast hit it knocked down the tent and stampeded the horses. To the east a strange cloud erupted from the desert floor of the Malpais, rising mile after mile until it climbed into the stratosphere.

"Must be the Army," said Violet.

"Yeah. But whose?" said Bud.

Back in Hot Springs everyone was talking about the explosion at the ammunition dump.

"That was no ammunition dump," Bud told anyone who'd listen.

A few months later Bud and Violet returned to their campsite in Cuenca Canyon to hunt deer with some friends. Violet showed them where the mushroom cloud appeared from what everyone now knew was an atomic blast. The men went out at daybreak while Violet stayed in the camp. Around noon it turned cold and started to rain. Bud decided to go back while the other men kept hunting. When the rain turned to a downpour he ran up the slope of Lozen peak until he found shelter under a small outcropping of rock. While he was sitting there he noticed the sand nearby had been dug up near a large boulder. Curious, he found some old spent rifle cartridges and arrowheads scattered around. As soon as the rain let up, he explored the area for more artifacts and discovered an opening in the hillside large enough to crawl through. Something about it intrigued him. He poked his head in far enough to discern the small tunnel giving way to a larger space. It was too dark to see anything more without a light, so he returned to camp and told Violet he wanted to go back and investigate. She made him swear not to tell anyone. If there was anything valuable inside she wanted them to keep it to themselves.

Bud and Violet outfitted themselves with lanterns and ropes and set out the next weekend to find the cave. Bud crawled through the outer passage to the large opening he glimpsed the week before. It was high enough to stand erect. Holding up the lantern, he could see stick figures of people and animals etched in the rock walls. On the floor he saw boot prints in the sandy soil. At the corner of the opening was another passage that sloped down at a steep angle. He tied the rope around his waist and yelled out to Violet.

“Tie the other end to the horse. I’m going down.”

He slid down the passageway in a crouch for another sixty feet where the passage again opened to a much larger chamber. His light reflected off something metallic. Swinging the lantern around the room, he began to make out rows of large steel drums stacked to the ceiling. “Damn,” he thought. “I need a crowbar.” He crawled and pulled himself out the cave once more.

“Vi, there’s a lot of something buried in there. I’m going to find out what it is.”

Violet couldn’t hide her excitement. “What does it look like?”

“I don’t know,” said Bud.

“Gold?”

“I doubt it. It don’t look like it’s been there very long.”

The next day they came back with a hammer and crowbar. Inside the barrels were metallic pellets heavier than lead. He put two of them in his pack. While Bud was opening the drums, Violet searched the floor of the cave and found a gold crucifix. She dropped to her knees, digging deep in the soil with a knife and soon unearthed a wedding ring.

“Bud, do you think this is an old mine?” she asked as she showed him her find.

“Not really,” said Bud. “I don’t see any shafts.”

“There might be treasure buried here. What’s in those drums?”

“Slugs of something. Not gold, though. Or silver.”

“Then forget about them,” said Violet. “We need to dig up this floor.”

They brought in shovels and dug up the floor of the cave. After a week of excavation they found a dented Spanish helmet and some old coins. They went out to Lozen Peak every weekend for the rest of the winter but didn’t turn up anything else.

“I guess that’s the end of it,” said Bud. “Not much.”

“I say we keep going,” said Violet. “There has to be more buried here.”

“I have an idea,” said Bud. “Let’s go to Santa Fe and file a claim. Then we can start showing some of these coins around. Act mysterious. Get people curious. They’ll start thinking we really did find something. There are lots of folks willing to pay for a piece of buried treasure.”

“You mean seed the cave?” said Violet.

“It’s not seeding if the stuff was already there,” said Bud.

Bud filed a claim and established the Lozen Peak Mining Company, but investors were hard to find. People in that country were tired of hearing tales of Victorio’s treasure, Maximilian’s fortune, or the Lost Padre mine. Even the crucifix failed to impress. “Somebody’s always finding those old Spanish trinkets around here,” they’d say. “God knows how many wagon trains were ambushed in the Jornada. Apaches just wanted horses and blankets. They didn’t give a hoot about gold.”

If there’s one thing Bud knew he could do, it was sell. After coming up empty-handed despite his best efforts he began to suspect sabotage. A treasury agent came

down from Albuquerque asking about gold bullion and threatening him with penalties under Executive Order 6102. The state police stopped him on the highway to search his car. Investors got cold feet at the last minute. Violet went back to the cave every chance she got, but claimed she found nothing more. Bud started to suspect she was hiding something.

"Somebody's spooking my investors," he told her. "I think there's some funny business going on."

"What makes you think that?" Violet asked.

"Every time I get someone lined up they slip off the hook. Like somebody told them something."

"Maybe it's you," she said. "Maybe you lost your touch."

"Hell, Violet," he said. "You don't have to sell gold. All you have to do is slip the idea in people's minds. Why do you think the Spanish tramped all over this god-forsaken country? I think it's an inside job."

"And just what do you mean by that?"

"You know what I mean."

"Now it's your mind running away with you."

They quarreled often after that. When Bud drank too much he ransacked their house looking for the jewels, gold bars, and silver goblets he swore Violet was hiding, but never found a thing. Bud's moods were too much for Violet, and Bud was sure Violet was trying to ruin him. They divorced and Bud left Hot Springs broke.

Bud Tafoya drifted to Prescott, Arizona, where he met a young woman named Mary Henderson. Mary was a peroxide blond who liked to read fan magazines in her bathrobe and sip gin while she listened to *Your Hit Parade* on the radio. One day her show was interrupted by news the Russians had exploded an atomic bomb. As the nation registered its shock, it occurred to Bud there might be something more valuable than gold back in Lozen Peak. He married Mary a week later and drove straight to Hot Springs. Bud broke into his old house while Violet was out and found the two pellets he carried out of the cave the first time he was there. The next day he brought them to the physics lab at the university down in Las Cruces.

“Where’d you get these?” asked the young graduate student as he turned on a Geiger counter.

Bud said he found them in the desert.

“They don’t look like rocks,” said the student. The counter crackled as he passed the wand over the pellets. “Yep, they’re hot. No doubt about it.”

“Thanks. That’s all I needed to know,” said Bud.

“Darned if those things don’t look like they came from a pile,” said the student.

“A pile of what?” asked Bud.

“You know, an atomic pile. A reactor. Where did you say you found them?”

“How much do I owe you for the test?”

“Just buy me a beer.”

Bud bought him a six-pack and drove back to Hot Springs more elated than he’d been in a long time. The next day he filed a claim for uranium on behalf of the Cuenca Canyon Mining and Heavy Metals Corporation. Then he found a lawyer and went to court to get Violet to stop working the claim. She filed a countersuit stating he gave up all rights to Lozen Peak in the divorce and restraining him from setting foot in Cuenca Canyon.

Violet had found something in the cave, but it wasn’t gold or uranium. While Bud was living off Mary in Arizona, she dug into a small room behind the stack of barrels and struck a heavy object in the dirt. It was smooth and solid. She uncovered it carefully until her heart sank when she recognized the blade of a pickaxe. As she slumped to the floor the light of her lantern caught a red glint in the far wall of the chamber. She crawled over holding the lantern in front of her and saw that the color came from blood red crystals the size of matchboxes sitting on the shale. “These have got to be the biggest rubies in the world,” she thought. She carefully packed two of them in her pouch and brought them out. She buried one in her back yard. The other she’d put in a glass jar on her dining room table to show guests invited from the hotel.

“I can’t tell you how many more there are, but this is the smallest of the lot,” she’d say. “It’s uncut, as you can see. A gem like that cut right would be worth about ten thousand.” Word passed quickly through the Geronimo Hotel and Spa and soon she had a dozen investors putting up a thousand dollars each. She didn’t trust anyone

and always worked the peak alone. Before entering the cave she would search the horizon with field glasses, a loaded shotgun at her feet, then spend the day digging up the floor of the cave chambers. It wasn't long after Bud's lawsuit was filed that she saw Bud and Mary drive up as she was about to enter the tunnel. As soon as they got out she fired a warning shot over Mary's head. Mary ducked back in the truck to file her nails, but Bud kept coming. She fired another shot that shredded the yucca at his feet and this time Bud stopped.

"I come out here to talk to you, Vi. I thought maybe we could work something out," he said.

Violet reloaded and spoke slowly as she aimed. "Then you should've come out here by yourself. That woman's not getting a cent from this claim, and neither are you." She blasted the sand at Bud's feet again. He hopped back to the truck and drove away, cursing her all the way to Hot Springs. That's when Violet got the idea of dynamiting shut the cave entrance to keep him out. She figured she'd have enough money to dig it open before Bud did.

When Betty Frey heard that Hot Springs wanted to change its name to Truth or Consequences she thought it was a joke. She called her sister and asked if it was true.

"Of course it is," said Violet. "Why not?"

Betty couldn't believe it. "A town named after a radio show? What's the point?"

"The point is free publicity, fifty-thousand dollars, and a name people will remember. Do you know how many Hot Springs there are? Besides the one in Arkansas? California has at least a dozen. This will put us on the map."

"So you're going to vote for it?"

"Sure I am. It's good for business. And I'll invite you up for the party, too."

The name change was approved in the town vote and then in the re-vote after the first vote was challenged by the incredulous losers. When Ralph Edwards and his radio show came from Hollywood for the celebration, Betty drove up with Bill and the baby. They bumped into Violet on Main Street just as the Hatch Chile Queen passed on her float. Violet pulled her sister aside and said, "Betty, I'm telling you this because I trust you. I found a cave full of rubies out in the desert. Bud wants to take it all away

from me. I need help. Can I come talk to you?" Betty said of course she could, and away they went to listen to the speeches and the bands. The next Saturday Violet drove down to Cruces to call on Betty. Bill joined them at the kitchen table to listen to her story.

"Bud leaves me for another woman and now he wants to come back and jump my claim," Violet began. "He didn't do a damn thing for it. I'm the one who found rubies in there and now he wants to con people into buying a uranium mine. I'm so mad it makes me want to spit."

"We need uranium a lot more than we need rubies," said Bill.

"Who asked you?" said Violet.

"Do you think there's any uranium out there?" asked Betty.

"I have no idea," said Violet. "Unless it's in those barrels. God knows how they got there."

"Bud is the least of your problems," said Bill. "The missile range just annexed Cuenca Canyon."

Violet gasped, "They can't do that. I have a legal claim."

"Sure they can," said Bill. "Talk to the ranchers out there. Anyway, missile defense is more important than your wild treasure hunt. We need room to test those things. They're not getting any smaller."

"To hell with your missiles." Violet gathered herself and rushed to her car. "I'm going out there. I have my rights." She sped to her claim in a frenzy, thinking Bud must have a hand in it. Military police in a pair of jeeps blocked her path on the dirt track to Lozen Peak. A helicopter circled overhead. Violet looked up at the strange machine and thought she'd just stumbled on the set of a science fiction movie.

"You'll have to turn back, ma'am," said the sergeant in charge. "You're trespassing. This is a military facility."

Violet reached for the shotgun in the backseat but thought the better of it when the MP's raised their M-1's.

"It's a sad day for this country when the government can just come and take your property. We might as well be living in Russia."

“No ma’am,” said the sergeant. “We’re protecting you from the Russians.” His words were drowned out by the sound of the helicopter.

Violet returned to T or C and looked at the hexagonal red gem on her dining room table. “If only Bud stayed in Arizona,” she thought, “the damn entrance would still be open.” The next day she told her lawyer what happened. He just shrugged. “Not much I can do. Maybe the state would have an interest.” She made an appointment with an attorney for the state land office and drove up to Santa Fe. His response was more encouraging.

“I’ll look into it,” he said. “The Army may have a right to use what’s on top of the land, but that doesn’t mean they have a right to what’s under it. The mineral rights, that is. I’d say that was a state matter.”

Bud Tafoya had the same idea. He got to the land office the next day.

“There was a woman in here yesterday with the same question,” said the land office attorney. “This isn’t the same claim is it? Are you two related?”

“No sir, not exactly,” said Bud. “That’s my ex-wife. She’s trying to jump my claim.”

“That does make it more complicated. But not our concern. Something for the courts to decide, I suppose,” said the attorney.

“Yes, sir,” said Bud. “I just want to know if the state of New Mexico has any interest in protecting mineral rights from being seized by the federal government.”

“It certainly does,” said the attorney.

“Can I quote you?” asked Bud.

“You sure can,” said the attorney.

“That’s all I needed to know,” said Bud. “Thanks for your time.”

Moss Raley

Bill Frey was surprised at the missile range one day by a visitor from Fort Bliss. Major Hank McDermott smiled a big friendly grin as he introduced himself and shook Frey's hand.

"What can I do for you, Major?" said Frey.

"We're having a little situation with some ranchers in the Sacramentos," said the major. "You may have heard about it." For weeks the El Paso papers had been running the story of cattle ranchers who refused to let the Army chase them from their land to expand the test range.

"Sure. But I don't know what that has to do with me."

"Your wife's maiden name is Raley, isn't it? Seems that one of the ranchers is an uncle of hers. We thought she might be able to help us persuade him to move."

"I don't know. She doesn't speak to that side of the family," said Frey.

"Maybe this is a good time to start," said the major. "The Department of the Interior is holding a hearing in Las Cruces next week. You and Betty should come. The Army would really appreciate it." He slapped Frey on the back and put his card on the desk. "Call me any time," said McDermott over his shoulder as he walked away.

That evening Bill told Betty about the major's visit.

"That must be my father's uncle," she said. "Moss Raley. I haven't seen that old man since I was ten." Moss Raley moved from the Sacramentos down to the McGregor Range after his brother was killed. He used to work for Billy McNew.

"Could you talk to him?" said Bill. "They need to start training missile crews. We can't let some old cowboy hold this up."

"It won't be easy," said Betty. "He's mean. My mother didn't like him around."

"I'll go with you, if you'd like," said Frey.

Betty said she really didn't want to do this.

"I'm afraid your personal feelings don't count here, Betty," said Bill. "We have to be prepared for nuclear war. Your uncle has no idea what kind of world we're living in."

"It won't do any good," said Betty. "Those mountain people don't care about your world. But if it makes you feel any better, I'll see what I can do."

The small hearing room at the county office in Las Cruces was packed. The Assistant Director of the Bureau of Land Management presided on behalf of the Secretary of the Interior. The commanding officers of White Sands, Fort Bliss, and Holloman Air Base were all there, as were Major McDermott, officials from the state land office, a dozen ranchers, their families, reporters, and Betty and Bill Frey. McDermott greeted Bill with a big slap on the back and Bill introduced him to Betty.

"That's him," said McDermott, pointing to a thin old man sitting in the back row.

"Can't say I'd recognize him," said Betty. Bill followed her as she slipped sideways through the row of folding chairs until they stood next to him. "Uncle Moss?" she said.

The old rancher sat with a straw Stetson on his lap, peering up through cloudy pupils. "I'm Moss Raley," he said. "Who are you?"

"Betty Raley," she said. "Carl and Letha's daughter. I'm Betty Frey now. This is my husband, Bill." Bill nodded.

The old man closed his eyes for a moment and rolled his tongue around his cheeks. His leathery face and scalp were dotted with red scaly patches.

"Oh, yes. Your momma left Carl and that's the last we saw of you. Last we saw of Carl, too. He was a drunk, but that's no reason for a wife to leave her husband."

"Maybe you're right," said Betty, "but I had nothing to do with that."

"So why are you here?" asked Moss.

"We live in Las Cruces," said Betty. "My husband works at the missile range."

Moss gave Bill a slow look from head to foot. "So you're one of them."

"One of what?" asked Bill.

"One of them government boys."

"Bill's a civilian," said Betty. "He's designing missiles."

"We all do our part," said Bill.

"I'm doing mine," said Moss.

They heard someone call and turned to see Violet waving as she edged her way down the aisle. "Betty! Bill! And Uncle Moss! I'm Violet," she said to her great uncle.

“Betty’s sister. Remember me?” She held out her hand. The old rancher sniffed but didn’t take it. “I hear they want to take your ranch.”

“That’s about the size of it,” said Moss.

“Well, don’t let ’em,” said Violet.

“Don’t plan to,” said Moss.

“They’re offering Mr. Raley a fair price for his land,” said Bill. He turned to Raley and added, “You really should think about it.”

“The hell they are,” said Violet. “They took my claim at Lozen Peak without so much as a thank you. The government is a bunch of thieves.”

Bill tried to shush her and pull her aside as the Assistant Director called the meeting to order. “This has nothing to do with you and your phony mine,” Bill whispered as one of the generals stood up to speak. “Stay out of it.”

The general from Fort Bliss was an imposing figure. His speech was serious and blunt. “If we are to insure the future of this great nation of ours,” he concluded, “the areas in question must be reserved for use by the Department of Defense. Gentlemen, we’re in a race for our lives. Your cooperation is greatly appreciated.”

The ranchers stood up one by one and had their say.

“The government might as well cut my throat as take my ranch,” said the first.

“I can’t run my ranch on Saturdays and Sundays,” said the next. “This plan makes no sense.”

“The Army treats those Germans better than they treat us. You’d think they won the war,” said the third.

“My father came to this country with nothing and built up his ranch,” said Hal Cox, W. W. Cox’s son. “He lived through rustlers and range wars. Back then the Army was here to protect us. Now they tell us we’re in the way. I love my country, but the Army should treat us right.”

Betty’s uncle stood up next. “My name’s Raley. I’m not leaving,” he said simply, spat, and sat down.

“Mr. Raley, this is about your safety,” said the White Sands commander. “We need room to test some very powerful weapons. We can’t take a chance on anything happening to you or your family.”

“I’m not afraid of missiles,” said the old rancher. “I raised mules all my life.”

“Some of these tests are more unpredictable than mules,” said the commander. An errant V-2 had recently landed south of Juarez.

“I don’t care. One way or another I’ll die at home,” said Raley.

After the hearing Bill dragged Betty back to talk to her uncle.

“I don’t care if he did marry kin,” said Raley, speaking to Betty as he pointed at Bill. “If he says one more word to me about selling my ranch I’ll horsewhip him. You’re just like your mother. When things get tough you run out. I have nothing more to say to you.”

The government kept appropriating ranch properties, but offered slightly better terms after the hearing. Hal Cox saw the writing on the wall and sold his ranch on the east side of the Organs. So did Oliver Lee’s sons Hop and Don on the other side of the Tularosa Basin. The last holdout was Moss Raley in the McGregors. He wouldn’t even discuss terms. The Army asked Bill and Betty to go out to his ranch and try again. Raley refused to meet and drove them off at gunpoint. When newspapers got hold of the story, some congressmen back in Washington thought they’d get good press by investigating complaints of government abuse and illegal land grabs in the Southwest. The personnel at the missile range were forbidden to talk to the public about “land acquisition difficulties”. Finally the district judge in Albuquerque issued a writ allowing the U.S. Marshal to evict Moss Raley, and the next morning three deputy marshals arrived to escort him off his land. He faced them in front of his ranch house with a hunting knife and cursed them for three hours while his housekeeper served them coffee. The deputies finally gave up and left. The next day a group of military police, public relations officers, and reporters showed up.

“I’ll shoot the first man who comes through my front door,” said Raley. “You’re not making a beer garden out of my home.”

The public relations officers discussed the situation with the base commander, who called the Secretary of the Army, who talked to the Secretary of the Interior, who discussed it with the Chairman of the Senate Interior Subcommittee. On the Army’s recommendation, the judge in Albuquerque issued a new writ exempting the ranch

house from seizure. Just before the writ was conveyed to the personnel at the ranch, Raley appeared on his porch with a shotgun.

"I've had enough of this," he said, then blasted a reporter for the El Paso Times and retreated to the kitchen. While the soldiers ran to their vehicles and called for more firepower, he shot his housekeeper and put a bullet through his head. The government immediately took possession of his land. Shortly afterward, Raley's cattle and two Mexicans sent to clear off the livestock were found dead. Raley had poisoned his well.

"Your family isn't helping my career," said Bill.

"That's not my problem," said Betty.

After the Tea Dance

Security around the Germans at White Sands gradually relaxed and they mixed more freely with Americans. Most of them were working on their citizenship. In September the proving ground started holding tea dances. Bill Frey played piano and sang in the dance band with some airmen from Holloman. One Saturday afternoon he was surprised to see Emma Gehlen on the dance floor with a lieutenant from Fort Bliss. He told his band mates to keep playing while he strode up to her and cut in.

"That was rude of you," she said.

"What are you doing here?" asked Frey.

"I like to dance," she replied. "What are you doing here?"

"I like to play the piano."

"Then you should play the piano and let me dance."

"I want to dance with you."

"Who is going to play the piano?" asked Emma.

"I don't care," said Frey.

She pushed him away gently. "Meet me later and I'll have a cup of coffee with you."

When the set was over Bill found her waiting for him by the refreshments. She handed him a slice of cake and said, teasing, "What do you think about the Russians?"

"You mean their bomb?" he answered. "I'm not surprised."

"Not surprised, yes. But does it worry you?" She smiled and looked away.

"Of course it does," said Frey. "That's why I'm making missiles. But it was just a matter of time. Now we have to make the super."

"What's the super?" she asked.

"A bigger bomb."

"Bigger than your atomic bomb?"

"Much bigger," he said.

"Then yes, you must make it. You can't let the Russians get ahead." She peered over her cup with a mocking frown as she sipped her coffee. "You're so nice, may I ask

you a favor? My girlfriend has to leave and I would like to stay till the end of the dance. Could you give me a ride home, if it's not too much trouble?"

"Of course," said Bill. He returned to the piano delighted but uneasy.

Emma sat by herself while the band played its last set. When the dance ended, Bill packed his gear and escorted her to his car. As they sped through the desert toward El Paso he asked what her what life was like in Germany before the war. She said the music was what she missed most, and quickly changed the subject. He parked the car in her driveway, and in a formal gesture came around to the passenger side to let her out. As he held the door open Emma stepped out and kissed him softly on the mouth.

"Would you like to come in?" she asked.

"Sure, but …?" said Bill.

"You mean my father?" she smiled. "He's away. He's at the Jet Propulsion Lab at Cal Tech. Didn't you go to Cal Tech?" Bill nodded. "So why don't you come in and tell me about California." Bill stopped thinking and followed her into the house. And so began their affair.

A few months later came news that the Germans were moving to an old chemical weapons plant in Alabama—the Army was converting Redstone Arsenal to rocket development. Emma's father was set to go. Frey asked Emma what she wanted to do.

"I'm going," she said. "I need to be with my father."

"I wish you'd stay," said Frey.

"There's another reason," she said. "I'm going to have a baby."

At first he didn't believe it. His mind went blank. She remained cool and patient.

"It wouldn't be fair to you," she said.

"My baby?" Frey asked.

"Of course."

"But what about you? In Alabama. Wouldn't it be awfully hard?"

“Oh, don’t worry,” she answered. “I’m a foreigner. They will think I’m strange anyway.” She didn’t seem angry, and she didn’t seem afraid. He tried not to show how relieved he felt.

Emma moved to Huntsville with her father. She wrote Bill often at his work address and sent him pictures of the baby. Back at the missile range, the V-2 project was handed over to the Army. Frey took an offer from Bell Labs to work on the Nike project with a nice pay raise. He and Betty bought a new house in Mesilla Park with pecan and lemon trees in the back yard. Soon Betty was expecting their second child.

Klaus Fucks never liked Los Alamos. When the war ended he returned to England to work on the British bomb project at Harwell. When five years later he was arrested and charged with espionage, he readily confessed to passing atomic secrets to Russia during the war. Fuchs was genuinely surprised he was sentenced to prison for it. He thought he wasn’t really spying, since the British and Russians had signed a mutual aid agreement after Hitler invaded Russia. When the scandal broke he assumed he would just leave Harwell and find a job at a university. Bill Frey was fuming when he read about it in the papers. He knew it was just a matter of time before the Russians had their bomb, but he thought they should figure it out for themselves. Then he remembered his outing with Fuchs at Frijoles Canyon. It haunted him for months. He harked back, trying to recall the details of every conversation he ever had at Los Alamos about the detonators. He had trouble sleeping and couldn’t concentrate at work. It was the damn British Mission, he thought, filled with Communists. Army intelligence and the FBI weren’t much good either. He was glad the Rosenbergs were executed. He wished Fuchs had been, too. Bill began to feel better when a Nike Ajax intercepted and destroyed a radio controlled B-17 over the testing range. The Nike project was more important to him than Project Hermes. He didn’t care about the effects of space flight on corn seeds and fruit flies, he wanted to find ways to shoot down Russian bombers. His depression finally lifted when he saw a news clip of the first fusion bomb vaporizing the atoll of Elugelab in the Pacific.

“Now we have the super,” he told Betty. “The Russians will never catch up with us. Unless we hand them the plans on a silver platter again.”

Soon after the nuclear bomb test, Frey got a postcard from Huntsville with a photograph of wild mushrooms that simply said, “Congratulations.” A week later Emma wrote that she was coming to El Paso. She asked if he wanted to see his son. “Of course,” he replied, though truthfully he wasn’t sure. They met at her hotel.

“This is Max,” she said, giving him the baby to hold.

“He’s big,” said Bill.

They strolled into Juarez with the baby, thinking there would be less chance of meeting someone they knew. “How do you like Alabama?” he asked.

“Alabama? Not so much,” she replied. “But my father is happy with his work. They’re making great progress. That’s all that counts. And you?”

He told her about the Ajax. He described its electronics and its performance, proud of the technical details he knew she would appreciate. They had lunch and stopped in souvenir stores but had trouble making conversation. When they returned to her hotel Bill said, “I can stay if you like. Betty thinks I’m at work. I told her I might be home late.”

“No,” said Emma. “You should go home now. Just help me with the baby.”

They fed Max, changed him and put him down for a nap.

“I want to help you,” he said.

“I’m fine,” Emma replied. “Don’t feel guilty. I can take care of myself.”

“I know. But what about our son?”

“Do you want to leave your wife and come with me?” Her tone was mocking but not harsh. Bill said nothing and looked away. “Of course not,” she answered. “Don’t be ashamed. You shouldn’t leave. Besides, Max is all I need right now. Who knows? Maybe someday I’ll meet a Southern gentleman and live in a big house on a plantation.”

“Like Tara,” said Bill.

“Yes, I’ll live at Tara. Unless the Yankees burn it down.”

He smiled thinking of Emma in an antebellum mansion, sweeping down the staircase in a white ruffle gown. She smiled back as if mirroring his look, though it was almost a grimace.

“Then I guess I’ll be going,” said Bill. He gave her and the baby a clumsy kiss and drove home to Las Cruces.

Bill Frey came to realize the Ajax system was obsolete before it was even deployed. He went to speak to his supervisor about it.

“I hear there’s a new project starting,” said Frey. “I want to transfer.”

Frey’s technical work was good, but his boss was tired of his complaints. “Why, don’t you like it here?” asked his supervisor.

Bill told him the Ajax was a waste of time.

“How can you say that? It does exactly what it was designed to do,” said his boss.

“Sure it does. But the Russians aren’t going to drop their bombs from B-17’s. You might as well flush the Ajax down the toilet.”

“It doesn’t matter what you think, Bill. We’re going into full production.”

“What moron made that decision?” asked Frey.

Frey’s boss was as eager to get rid of him as Bill was to leave. He gave Bill an exceptional recommendation for the new Nike Hercules Project. The Hercules would be fast enough to intercept ballistic missiles. Frey was excited to learn it would also be designed to carry nuclear warheads. He didn’t mind putting in long hours at the missile range. In less than a year the Russians had their super. Their bombs were getting bigger fast. Frey became irritable again and had trouble sitting at his desk. He felt better on outings to the desert during test launches. Bill was making calculations at his desk one afternoon when his boss tapped him on the shoulder. “Bill, some agents from the FBI want a word with you.”

Frey barely heard him. “Sure. Give me a minute. I’ll be with them as soon as I finish this.”

“No, Bill,” his boss whispered. “Like now. This is the FBI.”

Bill turned around and saw two men in dark suits and black ties standing in front of him. A tall, pale agent with horn-rimmed glasses stepped forward and introduced himself as Agent Seifert. His companion was shorter, ruddy and more animated—Agent

Wall. They showed their badges. Bill dropped his slide rule and stood up to shake their hands.

"If you don't mind, Mr. Frey."

"Sure," said Frey. "What about?"

"Not here." The agents walked him to a small conference room, closed the door and drew the window shades. The tall agent pulled a pack of cigarettes from his pocket. He gave it a quick shake and plucked out a cigarette with his lips, then offered the pack to Bill. "No thanks," said Frey. The agent lit his cigarette and gave Bill an anemic smile while his shorter partner paced behind.

"Do you know a woman named Emma Gehlen?" asked Agent Seifert.

"Yes, of course," Frey answered. "Her father used to work here."

"And how well would you say you knew her?"

Frey felt himself flush. "I don't know. Pretty well, I guess. Her and her father."

The agent asked if Frey had any idea where they might be. Frey said the last he knew they were at Redstone Arsenal.

"Anyplace else?" interjected Wall.

"No," said Frey.

"When's the last time you saw Emma Gehlen?" resumed the taller agent.

"About four months ago."

"And where did you see her?"

"In El Paso. She was visiting."

"What was the purpose of her visit?"

"I don't know. To see old friends, I guess."

They asked him what he did when he saw her.

"Wait a minute," said Frey. "What does that have to do with anything? I met a friend who was back in town for a visit. I don't see why this is any business of yours." He started to rise from his chair.

"National security, Mr. Frey. Now please sit down," said Seifert, putting a firm hand on Bill's shoulder. "Now, what did you do when you saw her?"

Frey lowered himself slowly, thinking hard about his options. "We took a walk. To Juarez."

“Did you meet anyone there?”

“No.”

“Was anyone else with you?”

“Besides the baby,” added Wall. Frey looked at him and the blood drained from his face.

“No.”

“Have you heard from Miss Gehlen since then?” asked Seifert.

“I think she wrote me.”

“You think?”

“Yes. She wrote me.”

“And what did she say?”

“Nothing much. Just news. She didn’t like Alabama. About being a mother. About her father.”

“Did she say anything about traveling?”

“Yes. She and her father were taking a vacation in Italy. In fact I got a postcard from Florence.”

They agents said they’d like to see it.

“Sure,” said Frey. “It’s back in my desk. But why all these questions about Emma?”

The agents glanced at each other. Wall nodded to his partner. “Because Emma Gehlen and her father disappeared,” said Seifert.

“I don’t understand,” said Frey. “How could they disappear?”

“That’s what we’re trying to find out. But we suspect they’re in the Soviet Union.”

“In Russia? What are they doing there?” asked Frey, his voice trailing off.

The agents looked at Frey without answering.

“Oh,” said Frey, lowering his head. “Kidnapped?”

The agents smiled and shook their heads. “We don’t think so, Bill. We’ve had them under surveillance for almost a year now.”

“You think they’re spies?” blurted Frey. The thought made him dizzy.

“Sure looks that way.”

“But why?” Frey tried to steady himself. “They liked this country. They got their citizenship.”

“Did she ever talk about her mother?” asked Agent Wall.

“Not much,” Frey answered. “She was killed in the war.”

“She was killed in the fire bombing of Dresden. By American bombs.”

“I didn’t know,” said Frey. He stared at the floor. “She never told me.”

“I think there’s a lot of things she didn’t tell you,” said Seifert. “Did she ever ask about your work?”

Frey thought for a long moment before answering, “You know…nothing specific.” He could feel himself trembling. He tried to stop but couldn’t. “How’s it going, that kind of thing.”

“Nothing specific? No technical details?”

“No.”

“Good then. Thanks for your time, Mr. Frey. We’ll be talking to you again. If you remember anything else here’s where you can reach us.” The agents gave him cards with their phone numbers. Frey glanced at them and noticed that Wall was the senior agent. “By the way, we believe your son is with them in Russia,” said Wall.

“We don’t think you’ll be seeing him again,” added Seifert.

The agents returned the next day and interrogated Frey for two hours. He realized he was a spy suspect now as well. He was put on administrative leave and his security clearance suspended. Bill told Betty that FBI agents came by work to question him about the events at Moss Raley’s ranch. He said he didn’t feel well and needed to take some time off. Two other agents appeared at the house three days later to interview Betty while Bill was being questioned at the FBI office in El Paso. She thought it was about the deaths at her uncle’s ranch.

“What do you know about the Lozen Peak Mining Company?” they began.

“Not much,” Betty answered. “Some crazy treasure-hunting scheme.”

“Whose scheme is it?” they asked.

“Bud Tafoya’s. And my sister’s. Now I think it’s just my sister’s. She and Bud are divorced. I think he has some other scheme. Something about uranium,” said Betty.

They asked if she or Bill were investors in either of those operations. She said they definitely were not.

“Do you know that your sister was arrested for trespassing on a military installation?” they asked.

“Yes,” said Betty.

“And how would you describe your sister’s political views?”

“You mean is she a Democrat or a Republican?”

“I mean her views about this country. Has she ever been a member of any disarmament groups? Has she been involved in union organizing?”

“She’s a member of the get rich quick group. I don’t think many Communists belong, if that’s what you mean.”

“How about Dr. Tafoya?”

“Doctor? You mean the vacuum cleaner salesman? He’s a member of the get rich quick without doing a lick of work group.”

“And you, Mrs. Frey. Have you ever been a member of any peace groups? In college, maybe?”

Betty was so surprised she could hardly speak. “Of course not. How could you ask such a question?” she stammered.

“How well do you know Emma Gehlen?”

“Who?”

“Emma Gehlen. She’s German. Her father worked at the missile range.”

“There used to be a lot of Germans there. I think I met her once.”

“How well did your husband know her?”

“I don’t know. He worked with her father.”

“Did they ever come over here?”

“Not that I know of.”

“Thank you, Mrs. Frey. By the way—there may be a few things about your husband you don’t know. If you remember anything else about the Gehlens, call us. It’s a matter of national security.”

“What do you mean there are things about my husband I don’t know?” asked Betty.

“About his affair with Emma Gehlen, for one. And their child, for another. Good day, ma’am.”

No espionage charges were brought against Bill Frey, but his security clearance was permanently revoked. That ended his job at White Sands. He told Betty he lost it because of the scandal surrounding her uncle. Now they had two boys, Albert and Nathan. Bill took a job teaching science at Las Cruces High. Betty never told him about her visit she from the FBI.

The Only Man She Ever Loved

Bud Tafoya decided Texas was a more promising place than New Mexico to find investors in a uranium mine. He went to Midland and talked to oilmen, but none of them had anything good to say about atomic energy. At a bar in Lubbock he pulled out one of his radioactive pellets and showed it to a crusty rancher drinking next to him.

"Know what this is?" asked Bud.

"Looks like a slug of rock," said the rancher.

"This here is the future," said Bud. "A uranium pellet. The kind they use to make those chain reactions. One of these things will power a submarine for a year."

"You don't say," said the rancher. "And where did you get it?"

"In New Mexico. I found a mountain full of uranium."

"And I just bet you're looking for investors," said the rancher with a grin.

"No," Bud shrugged. "Investors aren't the problem. It's the military. They annexed the mountain to a missile range. Just like that." He snapped his fingers. "The Cuenca Canyon Uranium and Heavy Metals Corporation has a legal claim to the mountain but they just took it."

"They must have good reason," said the rancher.

"Sure they do," said Bud. "They want the uranium for themselves. They want it for their bombs but they don't want to pay for it." He threw back a shot of bourbon. "That's communism if you ask me." He sipped his beer a minute, for effect. "They can test their missiles all they want," he continued. "But the New Mexico Land Office says the mineral rights are mine."

The rancher stared at his drink for a moment. "Damnation," he said slowly. "What did you say your name was?"

The rancher's name was Oren Pryor. He was a wiry, weathered man who inherited a large spread from his father. Oren thought he was a clever businessman because he had a knack for raising cattle. His features were rugged and generally pleasing except for his receding chin. A week later he promised to put up twenty-thousand dollars for a ten percent stake in the Cuenca Canyon Corporation, but first he

wanted to come to New Mexico and see things for himself. He drove out to T or C with his foreman, two ranch hands and a friend, Tom Harkey, who ran a repair outfit for oil rigs and was interested in the deal. Harkey was a pugnacious man, a rodeo rider in his youth who made a comfortable living but still liked to claim he was tougher than any of the roughnecks in his crews. He brought a Geiger counter. Bud thought Pryor was pretty well hooked, but didn't trust Harkey. He planned to lead them no further into Lozen Peak than the antechamber with the cave drawings. He thought the slugs in the drums further down would give high enough levels of radioactivity in the antechamber to be detected. Once Harkey's counter picked it up he'd tell them it wasn't safe to go on. Just to be sure he planned to go ahead of Pryor's team and bury his two slugs in the floor of the cave. Bud took them to the peak after midnight. They drove with their headlights off once they reached the boundary of the missile range and parked a mile from the mountain. Bud led them toward the cave entrance, shining his flashlight at the mountainside.

"It should be right around here," he whispered after they climbed up three hundred feet from the floor of the canyon. "Watch out for snakes." After searching for a moment he realized the spot where the tunnel should be was covered with rocks and debris. The whole area had caved in. "Something's changed," he said hoarsely. "Looks like somebody collapsed the entrance."

"Who would want to do that?" asked Pryor.

"I don't know," said Bud. "The Army maybe."

"I'd say that changes the picture," said Harkey.

"No, it don't," said Bud. "The picture's the same. We just have to clear off this rubble."

Violet found a crew to excavate the opening she dynamited shut. When she heard rumors that Bud was back she swore everyone to secrecy. They went out at night with picks and shovels and started clearing the debris. It was a bigger job than she bargained for. They needed a backhoe, but that was going to be a lot harder to hide from the Army. Meanwhile Bud convinced Pryor to help him clear the entrance.

They drove out to the peak with his men and saw that someone had already been digging there.

"The Army again?" asked Pryor.

Bud told him he thought he knew who it was.

"I don't like what I see here, Tafoya," said Harkey. "I don't think you're giving us the straight story."

"It's my ex-wife," said Bud. "What she's doing is illegal. She has no right to the uranium."

"This is getting real messy," said Pryor.

They worked on the entrance the rest of the night and came to the same conclusion as Violet: it couldn't be cleared by hand. Pryor announced he was going back to Texas, but Bud persuaded him to meet in Las Cruces the next day to try to iron things out. They talked at a diner on West Picacho near Pryor's motel.

"We just need some heavy equipment to clear the entrance," said Bud. "That's all."

"We know that," said Pryor.

"I figure it'll cost us around ten thousand," said Bud.

"That sounds about right," said Harkey.

"If you boys will put up the twenty-thousand dollars like you said you would, you can have a twenty percent share of the company," said Bud.

"We'll talk it over," said Pryor.

The next day they met again. "Twenty-thousand for a fifty percent share," said Pryor.

"Thirty percent," said Bud.

"Fifty percent," said Harkey. "Take it or leave it."

"Okay," said Bud. "Fifty percent."

Pryor told him to draw up the papers.

Bud, Pryor and Harkey went to Lozen Peak one more time to inspect the site before renting their equipment. It was dark but they could still see a thin layer of dust hanging over the trail.

“Someone’s been on this road,” said Pryor. “And not that long ago.”

“Violet,” thought Bud.

About half a mile from the peak they saw two pick-up trucks and a backhoe parked behind a low hill. Two men were sitting on the tailgate of one of the trucks. They saw lights up ahead on the side of Lozen Peak and could hear the sound of heavy machinery.

“Let’s run them out of here,” said Bud.

They each took a rifle and advanced on the men in the pickup.

“Don’t move,” said Bud. The men froze in the act of passing a bottle. “Where’s Violet?”

“She went up ahead,” said one of the men.

“Who said you could come out here and jump my claim?” Bud yelled.

“I don’t know whose claim this is,” said the man with the bottle. “We’re just hired to come out here and dig. But it looks like someone beat us to it.”

Bud asked what they meant.

“There’s someone digging up there and it’s not us,” he said. “I’m not too sure, but it looks like the Army.” Pryor lowered his rifle and shook his head.

“Let’s go check this out,” said Bud.

They walked toward the peak and made out the silhouette of a woman talking to a man in uniform. As they got closer, Bud saw it was Violet in a heated discussion with an army officer.

“This whole area is off limits to civilians,” said the officer. “For your own safety I’m asking you to leave immediately.”

“You have no right working my claim,” said Violet. “I’m not leaving till you stop.”

“The activity here is classified,” said the officer. “If you don’t clear off right now I’m placing you under arrest.”

“I’ll have you arrested,” said Violet. “You’re violating the laws of the state of New Mexico. I’m going to the newspapers.”

Just then Bud ran up. “Captain, this woman has no right to this claim. It belongs to the Cuenca Canyon Mining and Heavy Metals Corporation. You’re digging up my mine.”

Violet looked at him as if he'd appeared from outer space. "This man is an imposter," she said. "He has no right to be here. Go ahead and arrest him if you want."

Bud gazed up at the peak. Spotlights running from a huge generator on the basin floor lit up the entire slope bright as day. Three bulldozers were digging through the side of the mountain and a line of heavy trucks waited at the base. Bud grinned and backed away.

"All right, Captain," he said. "Have it your way." He waved Pryor and Harkey back and they retreated to their truck. Violet continued to harangue the Captain until she threw up on his shoes. The next day they heard she was arrested and taken to Fort Bliss. Bud kept smiling to himself all the way back to T or C—he knew his hand just got a lot stronger thanks to the Army. Harkey was the first one to speak. "I think that about does it for me. What about you, Oren?"

"I don't mind going up against a crazy woman," said Pryor, "but not the U.S. Army."

"OK," said Bud. "Fine with me. We'll just cancel the contract and you can keep your money. No hard feelings."

They traveled in silence for a few miles until Pryor spoke up. "What do you suppose they're digging up out there?"

"Beats me," said Bud. "Couldn't be anything too valuable, though." He shrugged and glanced at Pryor.

"Man, whatever's out there must be real important to them."

"Yeah, whatever it is," said Bud.

"Alright, Bud. You made your point," said Pryor. "We still have a deal. Tom, you in?"

"Nope," said Harkey.

"Well, I am," said Pryor. "I'll just put up the money myself, then."

Tom Harkey tried to talk his old friend out of investing in Bud's deal. "He's a con man, Oren," said Tom. "And even if he isn't, how the hell are you going beat the Army?" Pryor started to have second thoughts. When Bud met him at his motel in Las Cruces he decided to play for time.

“I have to go back to Lubbock to raise the money,” he said.

Bud started fuming. “Don’t get cheap on me now, Oren. This is no time to think small. Do you have any idea what’s coming? Do you have any idea what the demand for uranium will be? We need to build a lot of bombs to stay ahead of them Russians. And that’s not even counting uranium for submarines and electricity. There’re even building nuclear powered airplanes. That mountain is worth a fortune and you know it.”

The vision of vast wealth gave Pryor pause.

“That’s if we ever get at it,” he said.

“We’ll get at it,” said Bud. “It may take a little time, but we’ll get it. The courts will back us up. And if they don’t, we’ll still get it. How much can you put up right now?”

“What’s the rush?” asked Harkey. “It’s not going anywhere.”

“We have to start paying lawyers,” Bud replied. “The sooner the better.”

“I can come up with ten thousand now,” said Pryor. “I’ll have to go back to Lubbock for the other ten.”

“That’s not what we agreed on,” said Bud. “But if it’s the best you can do, I’ll take your word on it.”

Pryor wrote a check for ten thousand dollars. As soon as it cleared, Bud walked into Violet’s house brandishing a pistol as she was showing her red gem to a group of hotel guests.

“That’s mine,” he said as he took the stone from the table and slipped it in his pocket. “I hear there’s another one around. Go get it,” he added calmly. He seemed to be enjoying himself. The frightened guests backed towards the wall. Violet rose from her chair.

“It’s all yours,” she said. “Go find it.”

“Why don’t you help me out, darling,” said Bud. “For old times’ sake.”

“Why don’t you kiss my ass,” answered Violet. “For old times’ sake.”

“Now that’s not nice.”

“You’re drunk, Bud Tafoya, or you lost your mind. Maybe both. After this little stunt you can kiss your mine goodbye, too.”

“Maybe, but lots of people are going to be interested in where this little ruby came from.”

“I found something real in that mountain,” said Violet. “All you ever found was barrels full of rock. You don’t even know what they are.”

“I’ll let you and the Army work that out. Now where’s that other stone?”

Violet just stared at him. He aimed his gun at her head for a moment, swung away and shot out the kitchen window, then pointed it back at her throat. “I’m sorry. I forgot to say please,” he said, grinning. Violet was unruffled. She stared at the gun as if daring him to do something stupid. Bud pointed it at the ceiling and fired another shot. “I’m running out of patience, Vi. Maybe I should just shoot some of these nice people.” He laughed and waved his gun at the guests cringing against the wall. One of them shrieked, but Violet didn’t budge. “Okay, then. Have it your way,” he said. Just then he caught sight of a photo he took of Violet on their first camping trip to Lozen Peak. “Maybe I’ll just take this instead.” He ripped the photograph off the wall, backed out of the house and disappeared from New Mexico.

With Bud gone, Violet had the state land office all to herself in the Lozen Peak claim. Whenever she thought the hearings and legal wrangling would never end, she’d dig up the red stone in her backyard. She found a green velvet cloth to spread on her kitchen table when she wanted to display it, and liked to shine lights from different angles to bring out its colors and facets. She put off taking it to a jeweler to have it assessed, afraid they’d start nosing around. Violet got even more troubled when the FBI showed up to ask questions about her brother-in-law. She was certain it was all part of the government’s plot to undermine her claim. In the meantime she kept a close watch on Lozen Peak, spending every free minute stalking Cuenca Canyon with her binoculars searching for any sign of army activity near her claim. There was none. No sign of digging, no helicopters, no jeep tracks, no MP’s. After a few months she decided to examine the peak itself. She chose a cold day in February before the spring wind picked up. The original entrance to the cave was obliterated. It looked like a large area around it had been dug up, then completely filled in. The Army had gone to great trouble to remove something. If it was her gems, she vowed to spend the rest of her life

hounding them until she got what was owed her. She spent the day looking for another entrance, but found only a few shallow tunnels that led nowhere. By evening she despaired of finding an easy way in. When she got home she noticed bruises on her arms and legs. She was worn out and needed money.

Bud and Mary Henderson went to Denver where they lived it up for a few months until Pryor's money ran out. Then they drifted over to Grand Junction and back south to Durango. Bud still carried a pellet from the peak around with him. He was puzzled by a skin-burn on his flank until he realized it was right under the pocket with the pellet. He buried it in a large coffee can. When Mary asked him how he got the burn he said he spilled hot coffee on himself. He didn't have enough money left to set up a new chiropractic office so he took a job selling auto parts. Bud was still a good salesman and made money for his boss, a man named Warren Craig. As he gained Craig's confidence he began telling stories of lost treasure in the mountains of southern New Mexico. At first his boss found them entertaining, but the more he listened the more real they began to sound. Finally Bud pulled out his red crystal.

"I can't show this to just anyone," he told Warren. "Men kill for things like this. But I need partners and I think I can trust you."

The blood red glow of the gem was mesmerizing.

"Go ahead. Feel it," said Bud.

His boss held it carefully as an egg and weighed it in the palm of his hand.

"Ain't that something?" said Bud. "You should see the rest."

Bud chain smoked furiously and became so thin Mary was alarmed. She prodded him to see a doctor. He said he didn't believe much in medical doctors but said he would take vitamins if that made her happy. One day he looked up to see Oren Pryor walk in the store.

"You got twenty-four hours to give me back my ten thousand," said Pryor.

"Give me a week," said Bud. "It's tied up in investments."

Pryor laughed. "Harkey was right. You're all bullshit. Twenty-four hours."

"I would if I could," said Bud. "Give me two days, that's all. I'll get it all for you."

“Forty-eight hours,” said Pryor. “Or you’re a dead man. I wouldn’t think of running. My boys are watching you.”

Bud spent the night drinking hard and considered his options. Early the next morning he stuck the ruby crystal in his pocket, went to the auto parts store and fell asleep on the floor waiting for Warren Craig to show up. He startled awake when he heard the door open. His boss was even more surprised.

“It’s okay Warren, just me,” said Bud. “I got a proposition for you. You remember this ruby?” He pulled the gem from his pocket and set it on the counter. “I just got word the New Mexico Land Office recognized my claim. I’m going back to start work on the mine. I could use a partner. You’re one man I can trust, so I’m giving you the opportunity to go in with me. For twenty-thousand dollars you can own twenty percent of everything we make.”

“I can’t say I’m not interested,” said his boss.

“You need to make up your mind quick,” said Bud. “I’m leaving tomorrow. This is your only chance. Are you in?”

“I don’t know,” said Warren. “That’s a lot of money.”

“If it makes you feel any better, for ten thousand you can have ten percent.”

“I have to think on it.”

“You have till tomorrow morning,” said Bud. “After that I’m gone.”

“Are you working today?” Warren asked.

“I don’t think so. I’ll see you back here in the morning.”

Bud went straight home and told Mary they had to leave, packed a suitcase and drank until he passed out. He woke up past midnight with a coughing fit that made him want to throw up. He hacked up a clot of bloody phlegm in the sink and started drinking again. Then he took the gem out of his pocket and replaced it with his Colt .38 revolver. Without knowing why, he decided to keep the crystal and stuffed it back in his pocket. He was waiting on the steps of the store with a bad headache when Warren showed up.

“Well?” asked Bud. He scanned Warren’s face for a clue to his intentions.

“Come on in and we’ll talk,” said Warren. He unlocked the door and they stepped inside.

“You got yourself a deal,” said Warren. “For ten-thousand.”

Bud shuddered with relief. “That’s a smart decision, Warren. You’re going to be a rich man.”

“But first I want to see the legal papers.”

Bud felt his head throb and couldn’t control a rush of anger. “What the hell?” he shouted. “I don’t have time for this. If you can’t come up with the money today, forget it.”

“I don’t think that’s too much to ask,” said Warren.

“You’re out!” Bud shouted, “And you don’t get another chance.” He stomped toward the front door and suddenly wheeled around. “I have a better idea.” He pulled the revolver from his pocket and waved it at Warren. “Why don’t you just give me what you got?”

There was a small safe in the back office that kept the cash receipts. Bud marched Warren over to it with the gun to his head. “Open it,” he growled. Warren got down on his knees and worked the combination while Bud swayed on his heels behind him. When the door unlocked, Warren eased it open a crack and slipped his hand inside. Bud was out of patience. As he knocked Warren aside with his pistol butt he saw Warren pull a gun from the safe. Warren fired first and the bullet went through the fleshy part of Bud’s thigh. Bud fired down and shot Warren through the middle of his nose, then fired a second bullet into his windpipe. Warren collapsed on the floor, gurgled briefly, and lay still while Bud rifled the safe. “Now see what you done,” Bud mumbled to Craig’s corpse. “That shows piss poor judgment on your part, Warren.” He found eight hundred dollars in cash, and twice that much in checks that he ripped up in a rage as he bled steadily from his thigh wound. When he finally noticed the bleeding he fixed a bandage from strips of Warren’s shirt and limped out the back door. Bud’s first impulse was to walk home and find Mary, but after a few painful steps he realized that was a bad idea. Then he saw Warren’s truck, dragged himself back to the store and went through the dead man’s pockets till he found the keys. As he eased out of the parking lot in Warren’s pickup he noticed the gas tank was full. Instead of going back to his house, he turned the opposite way toward New Mexico. For some reason he had a sudden urge to find Violet.

Bud figured he had an hour's jump on the police, maybe two. Once he got to the New Mexico line he was familiar with the back roads and stayed off the highway. The wound had stopped bleeding. He figured the muscle was torn good but no arteries. After four hours on the road he stopped at his sister's house in Española to get a change of clothes.

"I had a hunting accident," he told her. "Nothing serious."

"You need a doctor," she said. "Your leg looks bad."

"I know," he said. "But it's okay for now. I don't trust the doctors around here. I'll see one in Albuquerque. Just lend me some of Jorge's clothes."

His sister gave him one of her husband's shirts, a pair of pants and some clean socks. After changing he asked, "Do you have anything to drink?" She brought him a Coca-Cola. "Do you have anything to put in it? For the pain." His sister brought him a bottle of vodka and he poured some in his Coke. "Here's to Russia libre," he said as he toasted her and drained his drink. "I got to be going." He took the bottle of vodka with him and drove off. South of Albuquerque he took a series of dirt roads past Los Lunas and Belen to Socorro, then ran straight for T or C. He got to Violet's house just before dark but she wasn't home. He broke the door open and passed out on the couch.

Violet was working the evening shift at the Geronimo Hotel and Spa again. She got home after midnight exhausted and was surprised to find a truck out front with Colorado plates. She was even more surprised to find Bud snoring on her living room couch. Her first thought was to run and call the police, but he was sleeping so sound she got over her initial fright. She pulled her pistol from a drawer in the kitchen and, holding it in her right hand, went through his pockets with her left. She took his revolver and found the ruby. As she pulled it from his pocket Bud roused. She stepped back triumphantly clutching her gem.

"Thanks for returning this," she said as she backed away, keeping him covered with her gun. "You're a real gentleman, Bud."

“Vi, I’d return it if I could. But I’m in real trouble now,” said Bud. “I came to see if you’d lend me the other one. I need to come up with some money real fast or I’m a dead man.”

“Makes no difference to me,” said Violet. “Ask your new wife for a loan.”

“Mary’s nothing to me. You know you’re the only woman I ever loved. I was such a damn fool. I don’t know what I was thinking when I left you. I must have lost my mind.”

Violet noticed the blood stain on his pant leg. “You’re a lying son of a bitch. But I do believe you’re in trouble. Now I think you better clear out.”

Bud stood up and shuffled toward the front door, stopped after three steps and doubled over. “Hold on a minute,” he said. “I don’t feel so good.” He saw Violet lower the pistol and for a moment considered lunging at her, but realized he didn’t have the strength for it. After pausing again to steady himself he pushed on and made his way to the truck. He fell into the driver’s seat breathing hard. As he was about to close the door he felt a wave of nausea and hurled a stream of blood just as three shots rang out. Watching from her living room window, Violet saw Bud knocked violently to the passenger side of the front seat. Two men walked out of the shadows to search the truck. It was Owen Pryor and Tom Harkey. All they found was Bud’s blood and vomit-soaked body sprawled on the seat with an empty vodka bottle. Violet was phoning the police when two squad cars full of state troopers sped into the drive. They took everyone down to the police barracks and questioned them for the night. Violet told them Bud broke into her house and tried to rob her. The police asked what he might be after, but she said she ran him off at gunpoint before she had a chance to find out. He was drunk, anyway. She also wept and said he was the only man she ever loved. “You should’ve seen what a good looker he was,” she told the troopers as they released her. Oren Pryor said he was the one who shot Bud. He tracked Bud down to collect a debt, and thought Bud pulled a gun from the truck and was about to shoot him. Tom Harkey corroborated the part about the debt. “I would have shot him if Oren hadn’t,” said Harkey. “He just got what he deserved.” Harkey didn’t say anything about Bud pulling a gun. After they gave their statements, the troopers told them Bud was wanted for the

robbery and murder of an auto parts storeowner in Durango. They all said they weren't surprised.

Oren Pryor was charged with voluntary manslaughter and released on his own recognizance. He was tried four months later in Truth or Consequences. His defense attorney also represented Bud's Cuenca Canyon Mining and Heavy Metals Corporation. The special prosecuting attorney was engaged by Violet in her Lozen Peak claim. No one seemed concerned about any conflict of interest. No character witnesses were called on Bud's behalf. No gun was found in Warren Craig's truck. Violet was too sick to testify at the trial, but Mary Henderson came dressed up like a Hollywood starlet. She stood outside the courtroom during recesses puffing on a long cigarette holder, trying not to wobble on her high heels. She told everyone who would listen she was Bud's sole heir, claiming rights to both the Lozen Peak and Cuenca Canyon operations. The jury took thirty minutes to reach a verdict of not guilty by reason of self-defense. That raised no eyebrows in Sierra County. Most people seemed pleased with the outcome. Soon after the trial Violet was hospitalized at Memorial General in Las Cruces and diagnosed with leukemia. When her sister Betty came to visit, Violet gave her a small velvet covered box.

"Take this. It's the two rubies from the mine. I want you to see how much you can get for them. I'm going to have a lot of doctor bills."

Betty didn't trust the jewelers in El Paso so she took them up to Albuquerque for appraisal. She waited patiently as the jeweler examined them through his eyepiece.

"I'm afraid these aren't worth much," he said apologetically.

"Not much?" said Betty. "But they're awful big."

"Yes," said the jeweler. "But they're not rubies. They're vanadium."

"Vanadium?" asked Betty. "Never heard of it."

"It's a gem. Pretty, but no ruby."

Betty asked what she could get for them.

"A couple hundred dollars maybe. Gem collectors like them. They make nice displays."

"That's real interesting," said Betty. "Mind if I get a second opinion?"

. “Not at all.” The jeweler was sympathetic. He’d been through this kind of thing before.

“By the way,” said Betty as she stood to leave. “Is vanadium anything like uranium?”

“Not really,” said the jeweler. “Sometimes they’re mined together, though.”

“It’s not radioactive or anything, is it?”

“No,” said the jeweler, shaking his head.

Betty got a second opinion and a third. They were all the same. Vanadium. She didn’t have the heart to tell Violet.

“They have to run some tests before they can figure exactly how much they’re worth,” she told her sister. In the meantime she paid the doctor and hospital bills from her own pocket. When Bill found out he was furious. While Violet lingered for weeks with fever, Mary Henderson served her legal papers and summonses over the Lozen Peak dispute. When Violet died she was buried in Hatch. Mary showed up at the funeral wearing a black veil and spike heels. Betty inherited Violet’s claims and soon Mary was serving her papers.

A Family Affair

Henry Frey, Bill's fraternal twin, was the taller of the two, sociable and outgoing like his mother, and had his mother's complexion. The twins never got along. When they were small they fought, and when they were older they argued. Henry didn't have his brother's gift for precision but worked hard to get the better of their arguments, which predisposed him to study law. Bill stopped speaking to him after he made a drunken pass at Betty a week after Bill and Betty were engaged. After three years as an assistant district attorney in Santa Fe, Henry returned to Las Cruces to set up his own law practice. He married Olga Jaramillo, a woman from Socorro he met at the University of New Mexico where she was studying speech therapy. They had three boys—Scott, Luis, and James, and a daughter Adriana. Betty needed legal help to deal with Mary Henderson's claims to Lozen Peak and decided to seek his advice.

"I really don't care about all this treasure nonsense," she said. "I just want to make sure that woman doesn't get a thing."

"As long as the Army's out there she won't. You can't get far fighting the Pentagon," said Henry.

Betty told her husband she was giving up all claims to Lozen Peak. "Nobody's going to get a thing from that pile of rock."

"Hold on here, Betty," said Bill. "I don't think we should let the government off that easy," Since losing his job at White Sands, Bill had learned how scientists from Nazi Germany entered the country after the war. How it began with Operation Overcast, capturing German scientists and engineers before the Russians got ahold of them. The project was renamed Operation Paperclip when the Army brought them to the America to work on defense projects. On President Truman's order ex-Nazis were banned entry to the United States, but Wernher von Braun, Ernst Gehlen and others had been Nazi party members. Frey discovered that the identities and backgrounds of Germans who entered through Juarez were altered in mysterious ways.

"Do you know why the call it 'Operation Paperclip'?" he asked Betty.

Betty had no idea.

“Because they clipped pages of false documents together to get them into the country. They completely bleached their backgrounds.” Bill threw up his hands in disgust.

Betty asked why he was so concerned with the Germans.

“Because it’s wrong,” said Bill. “The military has no right to dupe us.”

“They’re all off in Alabama anyway. Aren’t they?” She looked up at Bill, expressionless, as he looked away.

“My point,” he continued, now ill at ease, “is that they violated a presidential order. They ignored the Potsdam and Yalta agreements. They give security clearance to former SS officers but take it away from patriotic Americans. We can’t let the government keep breaking its own laws.” Betty walked away without a word. That was the last time Bill brought up the subject of the Germans with his wife.

Betty was thinking of a future without Bill, so when she started reading tales of lost mines in the mountains of the Southwest she had second thoughts about abandoning any potential wealth from her sister’s claim. She went back to Henry to see if anything could be done. For some reason he was more encouraging this time, and agreed to take the case for a stake in any proceeds from the mine. They were soon talking strategy over lunch in a restaurant by the town square in Mesilla. Henry suggested a trip to Cuenca Canyon to inspect the land around Lozen Peak. Betty had never been there and thought that was a good place to start. The next week they drove out on a cloudy day when the desert was cool and quiet, walking briskly around the peak on the lookout for soldiers. There were signs of recent digging and tire tracks that led back to the missile range. They laughed thinking of Violet hectoring the military police until they hauled her away to Fort Bliss.

“It’s a nice story, Betty,” said Henry, looking up at the pile of rock that covered the entrance to the cave Bud found. “But people have wasted their lives chasing buried treasure around here.”

“I know,” said Betty. “Bud and Violet were two of them. I wouldn’t think there was anything to it if it wasn’t for the Army.”

“Tell you what,” said Henry as they drove back to Cruces. “I have to go to Santa Fe next week. I’ll review Violet’s claim filings and talk to the land office while I’m up there. Why don’t you go with me?”

“Good idea,” said Betty.

Henry nodded agreeably. They drove the rest the way home glancing at each other across the front seat of the car as they made small talk.

In Santa Fe they checked into separate rooms at the Saint Francis Hotel. After cocktails at the lobby bar they went out for dinner. The thin air made them giddy. They gazed at the purple silhouettes of the Sangre de Cristos and laughed at the silliness of their treasure hunt. When they returned to the hotel they rode the elevator together in silence. Betty could feel Henry’s shoulder pressing gently against hers. As the door opened Henry whispered, “I’d like you to come to my room.” She was quick to say yes and was determined to go.

Lovers now, the next morning Betty and Henry went to the land office together. They discovered eight separate claims had been filed for the rights to Lozen Peak, including one by the Mescalero Apaches in addition to Oren Pryor and Tom Harkey’s. “Maybe there is something to this uranium business,” said Henry. They also discovered Mary Henderson had shown the land office attorneys photographs of the Army digging around the mountain. Henry and Betty returned to Las Cruces intent on pursuing her claim. A month later, using the evidence Mary Henderson provided, the land office got a federal court injunction to stop the Army’s operation. The Army denied involvement in any activity at Lozen Peak, but agreed to allow a Denver mining firm explore the area for two months under the direction of the State Museum of New Mexico. Their excavation found some Spanish and Indian artifacts, a few old army canteens, plenty of radioactivity, but no uranium. The mining outfit asked for an extension of the search but the Army refused and censored most of the museum’s final report.

Henry and Betty carried on their affair while Bill became more obsessed than ever with Operation Paperclip. He wrote Dionisio Chavez, New Mexico’s senior senator in Washington, demanding the senate open an investigation into the German rocket

scientists. The Senator's office got the FBI file on Bill, and Chavez's aides wrote him a curt refusal that only infuriated him more. He started a letter writing campaign to the newspapers. Every attempt to get his suspicions published in the Las Cruces and El Paso papers failed, but he finally got a letter accepted by the *Albuquerque Journal*. A week later he received a sympathetic response from the Jewish Anti-Defamation League. They suggested he write *The New York Times*, the *New York Herald Tribune*, and the *Washington Post*. When his letters weren't published there, he wrote the Israeli Ministries of Justice and Intelligence Affairs. He was irate when he received no reply, until he realized they might be busy with their war in Sinai and would answer in due time. A year later when he had still heard nothing he resolved to go to Washington to speak directly to Senator Chavez. He wouldn't get even with the Russians teaching high school physics—he wanted his job back making missiles to beat them. Betty convinced him to take Albert and Nathan along to broaden their education with a father-son outing to the national monuments. The day before they left Las Cruces, the country was shaken by another Soviet challenge.

"What's a satellite?" asked Nathan.

"It's something that orbits a larger body," said his father. "Like the moon orbits the earth."

"How come we didn't do that?" said Albert. "I thought our rockets were the best."

"The Russians have Nazi scientists, too," said their father.

Senator Chavez received Bill Frey as he would any other tourist visiting from his home state. He asked Bill about the Doña Ana County elections and said how much he loved Hatch chile. He nodded politely, absently, as Bill answered, pulled some tickets out of a drawer in his desk, stood up and extended his hand.

"Here are some passes to the Senate gallery, Bill. Take the boys and show them democracy in action. And say 'hi' to the folks back in Las Cruces for me."

"There's just one thing I think you should know, Senator," said Bill as Chavez escorted him to the door. "There are a lot of Germans working on our missile programs.

That's fine with me. But some of them were Nazis. They shouldn't be here. We could be harboring war criminals."

One of the Senator's aides hurried to his side. "I wouldn't make too much of that, Bill," said Chavez genially. "I'm sure we wouldn't be employing any war criminals. Besides, with this Sputnik business we can use all the help we can get, eh?" He winked at the boys. "What kind of work did you say you do?"

"I teach physics at Las Cruces High."

"That's great," said Chavez, clapping Bill on the shoulder. "Our country needs men like you, Bill. New Mexico needs men like you. Science is our future. Can't let the Ruskies get ahead." The senator reached down and shook Albert's hand, then Nathan's. "Maybe you boys will grow up to be scientists and help us beat the Russians," he said. The boys nodded politely as he handed them off to his secretary and closed the door.

Frey was hoping the first American satellite would soon come from the Naval Research Lab in California. Back in Alabama von Braun scoffed at the Navy's rockets. "Their design is pitiful," he told his Army bosses. "I could have a satellite up in sixty days. All the hardware is on the shelf."

The Russians followed Sputnik by launching a stray dog from the streets of Moscow into orbit. A stunned American public demanded a response. One month later the nation's television stations showed the live broadcast of a Navy Vanguard rocket and its satellite payload slowly rise four feet off the ground, sink back to the launch pad and explode. The satellite rolled away from the flaming debris and transmitted from the ground for two minutes before going dead. Bill became even more irritable than usual. The nation shared his humiliation.

"The Russians have Sputnik and Mutnik," he complained to his students. "All we have is Kaputnik." He didn't know why his students laughed, he didn't think he was being funny. The government's reluctance to give their German rocket scientists a higher profile ended quickly. Two months later Explorer 1 went into orbit atop a Juno 1 rocket from von Braun's Army Ballistic Missile Agency.

"Your Germans are heroes now," said Betty. "No one cares about Nazis scientists anymore." Bill got a polite letter from the Israeli Intelligence Ministry thanking

him for his concern. They informed him that all German rocket scientists working in the United States had been thoroughly vetted, and could assure him that none of them were war criminals. High school science teachers were suddenly national assets. Never before had Bill enjoyed such status and prestige. Science fiction was all the rage.

Betty had planned a long weekend getaway with Henry while Bill and the boys were in Washington. The Lozen Peak suit was going nowhere and she wanted Henry to be more aggressive. But Henry balked at the trip. He was coaching his sons' youth football team and had a big game coming up.

"How many chances like this are we going to get?" she asked. "Couldn't you say you have to go to Phoenix on business?"

Henry said he couldn't miss this game. "My kids are playing."

"What are you trying to tell me?" she demanded.

"I'm not trying to tell you anything," said Henry.

"You can't just end it, you know," she said.

"I know," Henry answered. "I'm not trying to end it."

Betty wasn't convinced. She was at a loss how to patch things up, if indeed Henry was losing interest in her. A gift might do the trick, she thought, something special to get his attention. She recalled how Henry coveted his father's antique pocket watch. It was an heirloom from his father's father, a proper Waltham piece brought from Massachusetts, with fifteen sapphires and a hand-engraved gold case. Henry claimed their father promised it to him before he died, though their father's will stipulated only that his estate be divided equally among his children. Bill had the presence of mind to take the watch from his father's dresser before the funeral, and refused to give it up. While Bill was in Washington touring the National Archives with the boys, Betty removed it from his desk drawer and wrapped it in a gift box with a large red bow. Then she met Henry at his football practice.

"I have something for you," she said. She showed him the present. "A peace offering."

"What is it?" asked Henry.

"Why don't you meet me in El Paso Saturday night and find out."

He said he couldn't get away Saturday.

"On Sunday then," said Betty.

"How about Monday?" Henry countered.

"OK. Monday evening. For dinner."

They drove to El Paso in separate cars and met at the Plaza Hotel. She gave Henry the gift box as they sipped gimlets before dinner. He held it to his ear, shaking it playfully. "It's not a tie." He smiled at her, relaxed by his second drink.

"Go ahead and open it," said Betty. She was getting impatient. Henry undid the ribbon carefully and opened the box. She noted his surprise, his satisfaction and his discomfort.

"It's something you always wanted, isn't it?" she asked.

"Yes," said Henry, staring at the glitter of the jewels. "It is. But won't he miss it?"

"Eventually. But who knows when? He hasn't looked at it in years. I think he just didn't want you to have it. Don't you have as much right to it as he does?"

"Maybe more," said Henry. He held the watch up to the light, turned it over, opened the case and held it up to his ear. He could hear it ticking. "Serves him right. Thank you." He came around the table and kissed her. They went to their room and ordered a bottle of champagne. By midnight they were back in Las Cruces.

After leaving Chavez's office Bill felt empty and played out. His children annoyed him. The whole city seemed on edge. Everything he saw made him angry and his own thoughts made him madder still. He returned exhausted to Las Cruces where Betty gave him an indifferent welcome. They rarely talked these days anyway. His one satisfaction in life was his new prestige as a science teacher, helping the next generation win the space race. Money was pouring into the school system. His classes filled up and the high school hired more science teachers. Bill became head of the science department. Betty was wrapped up in her own affairs and paid no attention to his success.

As the years passed Bill gave up hope of getting his security clearance back, resigned to the fact he would never work on missiles again. He grew tired of Betty's Lozen Peak claim, but Mary Henderson continued to press her suit in the courts and

the media. Mary engineered enough attention to earn a short segment on national news that called it “The Secret of Lozen Peak”. It portrayed Bud Tafoya as a dashing treasure hunter, madly in love with Mary.

“I think it’s hopeless,” Bill told Betty. “Why don’t you save yourself more trouble and forget it. You can’t beat the government.”

“Maybe so,” said Betty, “but Mary Henderson thinks she can. As long as she keeps up her claim I won’t stop. I can’t stand that woman.”

“Then you should round up more support,” said Bill. “She seems to have a lot more friends than you do. You’re not getting anywhere with my brother. I don’t think he knows what he’s doing.”

“You’re wrong there, Bill. He knows exactly what he’s doing.”

Bill said he hadn’t seen any proof of that. Betty let the remark pass and tried not to smile. “You know I can’t stand him,” said Bill. “He’s not the only lawyer in town.”

“He’s the only one who’ll work on contingency,” answered Betty. “I can’t afford lawyer’s fees.”

The Frey brothers feud had taken on a life of its own. They managed to avoid each other the first few years after Henry’s return to Las Cruces, but the town was too small for that to go on much longer. Bill and Henry eventually found themselves on opposite benches coaching their boys’ Little League teams. Both men instilled in their children an equal dislike for their cousins, and an equal desire to make them look bad. Umpires dreaded games between them. When the teams played each other the brothers argued every call and made their players keep up a constant razzing from the sidelines. Parents complained, and the league directors had to warn them they would both be banned from coaching if they didn’t control themselves. As fate would have it, when Albert Frey and his cousin Scott were twelve years old their teams met in the league championship. It was always a big game in Las Cruces. Parents became almost as fanatic as the coaches and it was bound to get ugly. As Bill and Henry strode toward each other to give the coaches’ pregame handshake, Henry stopped and pulled a gold watch from his pocket. He held it up, opened the cover and took a long look at

the dial while Bill waited impatiently by home plate. When he was sure that Bill was watching, Henry snapped it shut and returned it to his pocket.

"That watch looks familiar," said Bill as they met.

"It should," said Henry, smiling. "It's been in the family for years." From the stands it looked like they were exchanging the usual pleasantries, but their hands never touched.

Bill tried to put the watch out of his mind. Despite his efforts, by the third inning he couldn't pay attention to the game. When his team fell behind he chewed his players out so bad they got even more rattled. Henry dangled the watch from his pocket as he paced the sidelines across the infield. As the game went on, Bill yanked three pitchers for no apparent reason and questioned every strike that went against his team. He rode the umpires mercilessly until he was finally ejected, to the relief of parents and players from both sides. Without even waiting for the game to end he raced home and opened his desk drawer. His father's watch was gone. He tore apart the desk, his dresser, and ransacked the boxes in his closets. He was sure there was only one way his brother could have gotten the watch. The moment Betty walked in with the boys he snarled, "You gave it to him."

"So what if I did," said Betty. "It's nothing to you. You haven't looked at it in years."

"But why? To him, of all people?" The answer came to him the moment he asked, realizing that what he now knew must have been obvious to everyone in Las Cruces for how long he couldn't say. He slumped on a kitchen chair and mumbled to himself as if testing out the words to see how they sounded, "You're having an affair with him." Then he looked up and spoke directly to Betty. "You're having an affair with my brother."

"So what if I am," she said.

"I should have known. I should have known better than to marry into a family as crazy as yours."

"My family?" she spat back at him. "What about you? I'm not running around having babies with spies." The boys ran to their bedroom and slammed the door.

Bill was staggered. He sputtered but words would not come out. “Where did you hear that?” he finally managed.

“Your friends at the FBI. You and your Operation Paperclip. Mad at the government about everything. While you had your own little Operation Petticoat.”

“She wasn’t your sister.”

“That’s your excuse?”

“It was years ago.”

“I don’t care how long ago it was. You started it.”

“You’ll pay for this,” said Bill. “Both of you.”

“I’ve been paying for years,” said Betty.

“Not enough.”

“You even tried to make me believe you were fired from the missile range because of my uncle and my sister.”

“This isn’t the end of it,” said Bill.

“You’ve had too much radiation. You’re soft in the head,” said Betty.

They heard shouts and pounding from the boys’ room. Nathan rushed out with blood running from his nose and Albert chasing after him. Before Betty could stop them they were in the back yard rolling on the ground, punching each other in the face.

“He knows,” said Betty the next time she saw Henry. “I told him.”

“But why?” asked Henry.

“What was I supposed to do after your little stunt with the watch?”

“I couldn’t resist. You didn’t have to tell him we were having an affair.”

“Yes, I did. I wanted to tell him. I’ve been wanting to tell him for years.”

“That’s great. So now what?”

“It’s over,” said Betty.

“You’re getting a divorce?”

“No. It’s over with us.”

That was the end of Betty’s affair with her brother-in-law. They remained civil to each other, and Henry continued to represent her in the Lozen Peak claim. After a few years’ lull in the proceedings, Mary Henderson got a court order to exhume Bud’s body

and look for signs of radiation poisoning. She thought it would strengthen Bud's claim that he found uranium deposits. Bud's autopsy determined that bullet wounds to his neck and left temporal lobe were the cause of death. He also had alcoholic cirrhosis and a malignant tumor in his right lung. The radiation in his bones was twice normal. Mary tried to claim that Bud's cancer was caused by radiation exposure but his smoking clouded the issue. She also claimed his drinking helped protect him from radiation buildup and his levels would have been much higher if he was sober. Betty countered with an order to dig up Violet. Violet's leukemia was not in doubt. In addition they found small spots of thyroid cancer in her neck and bone radiation levels that were twice Bud's.

Betty got the better of the autopsy war, though after years of stalemate she was tired of it all. Even her hatred of Mary and Bud began to ebb. She had Henry make Mary an offer to combine their suits against the Army, but Mary rebuffed her. Betty didn't know that Mary had already made a deal with Oren Pryor. Mary and Oren rounded up a group of West Texas investors who hired a celebrity Hollywood lawyer to represent them. The lawyer called a press conference and accused the government of secretly digging up a fortune in uranium from his client's claim at Lozen Peak. That prompted *60 Minutes* to plan a TV segment on the story. About the same time an *Albuquerque Journal* reporter was doing an investigative series on toxic dumpsites in New Mexico. Through the Freedom of Information Act, he found documents from the Department of Energy and the Nuclear Regulatory Commission with Manhattan Project references to spent fuel from the reactors at Los Alamos, and radioactive waste from Trinity, buried in Cuenca Canyon and later transferred to a classified location in Nevada. Fifteen civilian workers involved in the transfer developed radiation related illnesses and were quietly compensated by the government. An equal number of military personnel were affected, but there was no record of any compensation for them. When the story came out in the newspaper, the Hollywood lawyer withdrew from the suit and *60 Minutes* cancelled the story. Mary Henderson married Tom Harkey and moved to Lubbock. Betty Frey had nothing more to do with her brother-in-law. The Mescalero Apaches kept pressing their claim, citing the peak's archeological and religious importance to their people. The Army eventually allowed them to excavate,

but the Indians had to give up when radiation levels inside the tunnels were found to be dangerously high. They found more petroglyphs in the caves, and collected a few more arrowheads and army canteens from the skirmish with Captain Carrol's battalion in the surrounding desert.

School Grudges

Betty Frey still taught fourth grade, and Bill his high school science classes. Las Cruces was now the second largest city in New Mexico and growing fast. The high school became so overcrowded the district finally had to build a second school on the north side of town where Henry lived. Bill proposed a science curriculum that would highlight engineering and aeronautics courses, and was made head of the science department at the new Mayfield High. Students chose the Trojans as their new school mascot, and green and gold as their colors after football championships at USC and Green Bay that year. Bill's sons Albert and Nathan were still at the old school and played football for the Las Cruces High Bulldawgs. Henry's boys played for Mayfield. Like their fathers' rivalry, the cousins' dislike bordered on hatred. When the two schools met for their first cross-town game, Albert Frey was a junior lineman who played both ways. His cousin Scott started at center for Mayfield. Everyone thought the Bulldawgs would have an easy time with the new school. On the first play from scrimmage Albert laid out his cousin with a forearm to his throat. "That's just for starters," Albert hissed as Scott gasped for air on the turf. On the next series of plays Scott cut Albert at the knees and was called for the penalty. Fights broke out on the field and in the stands. The Bulldawgs held on for a narrow win, but the Trojans had made their point. It was the start of a bitter cross-town rivalry for the town of Las Cruces.

The next year the Bulldawgs did not take the new school for granted. They drilled so hard their all-state linebacker collapsed on the practice field during a hot August scrimmage and suffered brain damage. Both teams were bigger and stronger. In addition to their older brothers, Nathan Frey now started at wide receiver for Las Cruces and his cousin Luis was a running back for Mayfield. When the teams met for the last game of the season it was the sports event of the year in Doña Ana County. The high school stands were too small for the expected crowd so they played at the university's Aggie Stadium and filled every seat. Bill and Betty sat on the Bulldawgs side, with Henry and Olga directly across the field behind the Mayfield bench. Even the marching bands disliked each other. Mayfield marched down the field and scored on

their first drive. When the teams lined up for the extra point, Scott Frey pointed at his cousin Albert as he went into his stance. When they came off the line Albert went for Scott's throat again, but Scott shot under him and pitched him up in the air. As the ball spun through the uprights, Scott spat on his fallen cousin and ran off the field thumping his chest. Their cross-town rivals humiliated the Bulldawgs that day. A Mayfield student was knifed in the parking lot.

The following spring Henry Frey was pleased and relieved when the Air Force Academy accepted his son—Henry had worked his political connections hard. But Scott needed one more physics course to meet the requirements, and the only one who taught it was his Uncle Bill. As graduation neared, Scott was barely going through the motions of school. All he wanted to do was fly jets, and any interest in physics was wiped out by his uncle's classroom badgering. Henry complained about his son's harassment to the principal, and Bill was forced to ease up a bit. Then one day near the end of the semester, Bill was locking up the classroom when he found a student's lab notebook on the floor. As he was putting it in his desk drawer for safekeeping he noticed his nephew's name on the inside of the cover. Reviewing the implications with satisfaction, he tossed it in the garbage. Without a lab grade he had no choice but to fail Scott, three credits short for graduation. Henry threatened a lawsuit unless his son was allowed to make up the work. First the principal and then the school board pressured Frey to change Scott's grade, but he refused. Bill described his grading system to the Board with great precision, and detailed Scott's failure to meet the cut-off for a passing grade. The principal pleaded with him. He couldn't believe Frey's intransigence.

"Bill, Scott's a good student. He's going to the Air Force Academy. What have you got against him? Give the kid a break. He's your nephew, for God's sake."

Bill said that was even more reason not to play favorites. "What kind of message does that send to other students who earn their grades?"

"I think there are extenuating circumstances here," said the principal. "Losing his lab book. Give him an incomplete and let him do the work over the summer."

"Then he should have kept better track of it. No, I won't do it."

“Okay, then I’m ordering you. Pass him or you’re fired.”

Bill wouldn’t back down. He engaged his own legal counsel. The principal was on shaky ground and knew it, and the Board did not want a lawsuit. Scott would have to take a summer class in El Paso before he could graduate.

The day after he was told he would not be graduating with his class, Scott Frey drove to the desert east of town for some diversion. It was a Saturday evening in May. The dust storms were over, replaced by summer heat. With him were his brother Luis and two classmates from Mayfield, Josh Apodaca and Tyler Harris. They skidded along a dirt track toward the Organs with two six packs of beer and a bottle of tequila. When they got to a series of arroyos behind ‘A’ Mountain they stopped and jumped out of the car to look for targets. They found a ravine nearby where old refrigerators, sofas and washing machines littered the sand in a makeshift dump. The boys loaded their rifles and opened fire on the junk as they started drinking. They placed their empty beer cans on top of a refrigerator, downing shots of tequila whenever they hit one. Scott found an old water jug and set it on a mound of sand.

“This is my fucking physics teacher,” he said, his words beginning to slur. “My funking uckle,” he said and laughed drunkenly. He picked up his rifle and aimed as carefully as he could. “Stop moving, damn it,” he yelled and laughed again. The other boys joined in. “Waste the dude,” they shouted, and “Fuck physics.” Scott put a bullet in the center of the jug, threw his head back and yelled skyward, “Blew you away, you red nosed prick!” It was getting dark. They finished their tequila and blasted the empty bottle with their last bullet. Glass and metal littered the floor of the arroyo. “I’m hungry,” said Tyler. “Let’s cruise Sonic.” The boys piled in the car for the drive back to town. They jested in shouts to the desert, screaming long strings of profanity at nothing in particular. Scott swerved back and forth past the edges of the dirt track, throwing up a thick ribbon of dust as he sped down the slope. The car seemed to be driving itself. The boys whooped and yelled out the windows, rolling from side to side. They saw the lights of town winking below them in the twilight, and the last pink tint of sunset beyond Deming. As they were about to hit paved roadway the car hit a deep patch of sand on the right side of the track. The tires spun out and turned the car ninety

degrees, its momentum propelling it into a roll, and crashing it into a concrete road marker. The car came to a stop on its roof, bursting into flames. The coroner couldn't tell which of the boys died from the impact and which burned to death. A week later Mayfield High dedicated its graduation to their memory. Josh's mother put a cross and a wreath with his yearbook photo at the crash site every year for twenty years, until she moved to San Diego. Tyler Harris's parents tried to sue Henry and Olga, but had to be content with an insurance settlement. Henry, Olga, Luis, James, and Adriana Frey moved to Albuquerque the year after the accident. Bill Frey kept his job at Mayfield, but didn't attend graduation that year.

Albert Frey graduated from Las Cruces High at the top of his class and went on to college at Stanford. He tried out for football as a walk-on, but was too small and too slow for Division I. He knew he wanted to be a surgeon and competed fiercely in the classroom. He joined a fraternity, tried marijuana a few times with his fraternity brothers, but preferred chugging beer. The only exams he ever cheated on were organic chemistry, twice. He went to medical school at the University of New Mexico where he married a nursing student named Alice Hallgerth. Alice didn't like nursing, so she quit school to support them and took a job as a secretary. When Albert was in his last year she found she was pregnant.

"I don't think it's the right time to start a family," said Albert.

"Why not?" asked Alice.

"I have years of training ahead. I'm not going to be home much."

She told him he didn't have to be a surgeon. There were other specialties.

"Don't be ridiculous," said Albert. "That's not even a consideration. Right now my career comes first. Besides, we can't afford kids yet."

"You could take out more loans."

"No. I have too many already."

"So what should we do?"

"End the pregnancy."

Alice wanted to keep the baby, but Albert insisted it was not the right time. In the end she gave in. The next year Albert started his surgery residency in Phoenix. Alice

rarely saw him when he was awake and when she did he was exhausted. She worked as a receptionist in a dermatology office and went back to school. When five years later Albert finished his training, she had an accounting degree. They moved to Las Cruces where Albert had long planned to start a practice with John Lucero, a classmate from medical school. Las Cruces was still growing fast and there were opportunities for aggressive young surgeons.

"This place could be a gold mine," Albert told John.

"Maybe," said John. "But I'm worried about the old guys. They have referrals all sewn up."

"The old guys won't know what hit them," said Albert. "They take their business for granted."

There were two senior surgeons in town and both had successful practices. They disliked each other intensely but were outwardly civil, knowing they had to cover each other's patients from time to time. They tried to set the young surgeons against each other while they pointed out the newcomers' inexperience to the rest of the medical staff. Albert and John were happy to take uninsured patients off the older surgeons' hands—they needed all the cases they could get for their surgical boards. Albert also knew these patients had family and friends with insurance. He worked hard and their practice grew.

After their boys went off at college, Betty and Bill felt even more like strangers to each other. One day Betty said, "I don't know why we're still together. We should have divorced a long time ago. Now I think it's too late."

"I know," said Bill.

"I didn't want you to get a piece of the mine," said Betty.

"What a joke," said Bill.

"Which—the mine or our marriage?" asked Betty.

"Both, I guess," said Bill.

"I need to get away from here," said Betty. The next year she took a teaching job in Silver City. Except for copper, the mines there were long played out. After Betty moved, Bill spent a lot of time thinking about Emma Gehlen. He always secretly hoped

to hear from her and Max, but never did. A year later Betty asked Bill to join her. There was nothing keeping him in Las Cruces. He took a job teaching math and science at the Silver City middle school. He couldn't control his students, but didn't care. The mountains were a nice change from the desert and they made new friends from the faculty at the state college. They stayed in Silver City when they retired. Bill died after a series of heart attacks. Betty gradually lost her memory and passed away in a nursing home in Las Cruces. They were both buried in the Masonic Cemetery, not far from Pat Garrett's grave.

Part 3: The Shadow Of This Red Rock

The House of Frey

There was a man named Albert Frey who lived in Las Cruces, New Mexico. He was a prominent surgeon, well respected but rather arrogant, and ruthless when it came to money. He was the son of William Frey, and the grandson of Marshall Magnus Frey. Marshall Frey came to New Mexico from Wisconsin and married Lucinda Johnson of San Miguel, William's mother. Albert's mother was the former Betty Raney of Hatch. Albert married Alice Hallgerth, a young woman from Albuquerque. Rolf Hallgerth, Alice's father, had moved to New Mexico from Bay Ridge, Brooklyn because he thought the desert would help his wife's asthma. It didn't. Alice was tall, disciplined and strong, a champion swimmer in high school. Rolf Hallgerth was a tax attorney who wanted Alice to be a nurse but she became an accountant instead. Albert and Alice had a son Evan and a daughter Carol. The family lived in a large adobe house in the Telshor neighborhood north of the Hilton when the area was new and fashionable. It's hard to say when the family's bad luck began, but it didn't surprise them.

Albert Frey had a thin, hawkish face and kept his hair cropped short. He was average height but seemed tall, and his eyes were strikingly black. The partner in his surgical practice was John Lucero, an unpleasant man of middling talent who seemed snide and peevish when trying to mimic Albert's authority. They established their practice straight out of residency, and it grew steadily until they were taking business away from the two senior surgeons in town. The most successful of those surgeons, Macalaster Percy, had been chair of the surgery department for over two decades. Percy had arrived in Las Cruces as a young doctor from Baton Rouge, Louisiana flying his own airplane. After he shot a few specimens of every large game animal in southern New Mexico, he and his wife spent their vacations scouring the globe for trophies. The walls of his waiting room were lined with the antelope heads, bear, musk ox, and wild boar.

One day Percy called Frey into his office and tossed a chart across the desk.

“I see you did this patient’s gallbladder,” said Percy.

Frey peered at the name. “Yes, I did,” he answered. “Good job, too. I just saw her in the office.”

“Do you know who operated on her father? And her sister?”

Frey said he never asked.

“If you had,” said Percy, “you would’ve found it was me. That family has been mine for two generations. You can have all the Mexicans you want Frey, just keep your hands off my patients.”

“Fine with me,” said Frey. “I’ll use a laparoscope.”

Percy’s eyes narrowed. “What’s that supposed to mean?”

“That means people don’t want your open techniques if they have a choice. It’s not my fault.”

“Laparoscopes are for gynecologists.”

Frey shrugged and slid the chart back to the chairman. “If you say so.”

From then on Percy made Frey’s operating schedule as difficult as possible. He searched Frey’s charts for complications to announce at morbidity and mortality conference, where he skewered him with charges of excess blood loss and wound infections. When Frey and Lucero’s practice still continued to grow, he tried to restrict Frey’s surgical privileges. Lucero fretted over losing business but Albert Frey wasn’t worried.

“The old man is taking on more than he bargained for,” said Frey. “We’re going to turn that against him.”

Lucero pointed out that Percy had the hospital board in his pocket. “I don’t think your appeal will go anywhere,” he said.

“I know,” said Frey. “But that will get them all on the hook. Forget the hospital, John. We’re going to get this straightened out in court. It’s going to cost them big.”

Frey countered with a lawsuit for restraint of trade. He hired the best attorneys in Albuquerque and worked his connections with judges. After two years of depositions and hearings, he showed that his complication rate was no different from Percy’s. The hospital attorneys told Percy and the Board of Directors their case was not going well and advised they settle. The hospital offered a large sum with no admission of guilt.

“You won,” said Lucero.

Frey said he wasn’t finished yet. “We can do better. We have them on the ropes now, John. We’re going to trial.” And so they went.

When Percy was on the stand, Frey’s attorney asked, “Do you recall a conversation in your office with Dr. Frey where you stated, ‘Keep your hands off my patients,’ or something to that effect?”

“I can’t recall that conversation specifically,” said Percy. “But I will say it’s highly unethical to interfere with the relationship between a doctor and a patient.”

“Didn’t you also say that Dr. Frey could have all the Mexican patients he wanted?”

Percy said he would never make such a statement.

“Please just answer the question,” said the attorney. “Did you make such a statement?”

“Of course not,” said Percy.

“In the conversation I was referring to,” continued Frey’s attorney, “you were talking about a patient you had never seen who was a family member of several of your patients. Does your ethical principal extend to her?”

“In my book, it does,” said Percy. “That trust extends to the whole family. Frey was stealing patients, plain and simple.” He was staring hard at his interrogator and didn’t see his attorney signal him to keep quiet.

“And does that principle extent to a whole town?” asked Frey’s attorney, “Or a whole county, maybe?” Percy’s attorney objected and the question was withdrawn, but not before Percy shot back, “What does he know about this town? I’ve been practicing surgery here for thirty years. I made this hospital what it is. He hasn’t been here long enough to change his shirt.”

Frey’s attorney pointed out to the court that Dr. Frey was born and raised in Las Cruces, and that his family had been there for several generations. And so ended his examination of Dr. Percy.

The next day the hospital doubled its offer and this time Frey accepted. They restored his full privileges. The chairman of the hospital board resigned and was replaced by an attorney who was one of Frey’s good friends. Percy developed a vague

heart condition that made him cut back his operating time. When doctors' wives started going to Frey and Lucero for their gallbladders, Percy knew he was in bigger trouble. He weighed the time and cost of mastering new technology against the years he had left in practice and decided to retire, bought a ranch in Idaho and left town with his trophies. When he wasn't hunting, he worked for the Idaho State Board of Medicine investigating ethics violations. Albert Frey was named the new chair of the surgery department. There was one other general surgeon left in town and Frey decided he wanted that surgeon's business too. Lucero started rumors that the old surgeon drank too much and had sex with his patients. Frey blacklisted physicians who referred their patients to El Paso.

As his practice grew, Albert worked longer and harder. He rarely saw Alice, and his children even less, spending every spare moment out of town learning new surgical techniques, taking his girlfriends with him or finding new ones wherever he went. The need for surgery in Las Cruces was much more than two surgeons could handle, but he fought hard to keep new surgeons from joining the medical staff. His flings with nurses became a standing joke in the hospital. And he was getting rich. Alice chose to ignore the gossip about her husband. She enjoyed living well and liked spending their money. They built a large adobe house on Majestic Ridge, decorated in the best Southwestern style with Oaxacan rugs and Mexican tile. Alice also took charge of their investments. She made sure her husband had a large life insurance policy.

Hector Apodaca was Lucinda Frey's grandson by her first marriage, which made him Albert Frey's second cousin. Hector seemed easy going, but was a proud man who learned to dislike the Freys from his father, Victor. Victor's stepfather, Albert's grandfather Marshall Frey, made Victor feel inferior to the Frey children despite his mother's efforts to treat them equally. Hector joined the Marines after high school and saw action in Grenada. As his helicopter descended on the island during the brief invasion, he suddenly realized he wanted to be a teacher. After discharge from the service he went to college in Silver City; when he graduated he found a job in Las Cruces. Hector maintained a studied cheerfulness that served him well as he worked his way to assistant principal at the new Oñate High School. Faculty and students liked

him for his good humor, and he earned the principal's trust. His ambition was to be a high school principal himself someday, and took classes towards a doctorate at New Mexico State. He wasn't handsome, but a good athlete with a calm authority that made him attractive to women. One day playing mixed doubles at a tennis club tournament he met Alice Frey. She was wearing a scarlet tank top with white pleated shorts, her legs long and athletic, with blond hair that fell to the middle of her back. He thought she looked vain and magnificent. They struck up an acquaintance and soon discovered they shared a dislike for the Frey family. He was ten years her junior. Alice soon took him as her lover and diverted herself with him as Albert's wealth and power grew. She stopped worrying about her husband's affairs, and the care of her children as well.

One evening Albert came home early from the hospital and said he felt worn out. Alice knew he was working hard, but still thought it strange. The next morning she lay awake in bed when he rose at his usual time. She listened to the steady stream of water in the bathroom while he showered, then heard a thump against the wall. When she went to investigate she saw her husband sitting naked on the tiled floor of the shower stall with steam swirling around his face. His eyes stared blankly as he moved his lips with great effort and managed to whisper, "Shit," then closed his eyes with a grimace and moved his left hand feebly to his chest. Alice watched curiously for a moment before she said, "Albert?" but got no reply. She turned off the water and asked again, louder, "Albert?" As the steam cleared she saw a waxen look on his face. She touched his shoulder and he slumped to the side, his head hanging limp. She went back to the bedroom and sat on the bed, went to the bathroom again and saw he had not moved from where he sat slumped, came back to the bedroom and phoned Hector. Hector told her to check Albert's pulse while he waited on the line. When Alice told him she couldn't find one, Hector told her to wait five minutes and call 911. Albert's body was already cool when the paramedics arrived and tried to resuscitate him. Dr. Lucero ran to join the code team in the emergency room when the ambulance arrived.

After twenty minutes of thumping, pumping, electric shocks and infusions, the emergency room doctor running the code pronounced Albert Frey dead. Lucero pushed the young physician aside, calling for a surgical tray as he yelled at the team to keep going. His mask was splattered and his shoes soaked with blood from cutting

open Albert's chest when the cardiologist on-call laid a hand on his shoulder and said gently, "John, you have to stop now." Lucero threw his instruments against the wall and stalked out without bothering to take off his bloody gown. He went to the doctors' lounge and sat holding his head, staring at the floor, when someone asked if he wanted to speak to Mrs. Frey. "Fuck, no," he said.

The cardiologist on-call was the chief of service, a spindly man with a trim white mustache. When he told Alice that Albert was dead she simply nodded and asked if she could see the body. Alice pushed her way into the exam room past a nurse who told her she had to wait while they cleaned things up. Her husband's corpse lay on a bloody stretcher with a tube sticking out of his mouth. A blood-soaked sheet covered his chest and puncture wounds dotted his arms and legs like a rash. Nurses undid wire leads from the blank monitors, wheeling equipment out of the room without a sound. Alice stepped closer to the corpse. She looked down to see if her husband's chest moved. She watched intently for three minutes until she was convinced it didn't. The emergency room staff later said how impressed they were by her dignity and self-control during that brief vigil. Alice somberly agreed to an autopsy, which showed that her husband died of a massive heart attack. The hospital held an elaborate memorial service where Albert Frey was praised for his leadership on the medical staff and service to the community. After his will cleared probate, Alice inherited a very large sum of money in addition to his life insurance benefit. Six months later she took Hector on a cruise to Greece. John Lucero was named the new chair of the surgery department.

The Answer To Your Problems

Carol Frey was Alice and Albert's oldest child, a sullen girl who didn't like herself that much. When she was angry she would lock herself in the bathroom and bang her head on the sink. She started cutting after her father died. Her mother came home from shopping one day and found her on the kitchen floor with streaks of blood on her wrists where she had scraped them with a metal file. In the emergency room they saw the cuts weren't deep and felt sorry for the girl who recently lost her father. The next day Alice searched Carol's room and found a stack of letters from one of her daughter's friends in summer camp. The girl wrote Carol they should kill their parents and commit suicide together. "Murder is the answer to all our problems," she wrote. "School is such a fucking bitch. Kill your teachers too." There was more about vampires and sex and drinking blood. Alice reported it to the police. She had Hector at her side when she confronted Carol that night.

"What's all this about?" asked Alice, holding up the stack of letters.

"Oh my god, mother," said Carol. "You had no right."

Alice said she had the right to do anything for her daughter's welfare. "Now what are these letters about?"

"Nothing," said Carol. "It's a joke."

"This is not a joke," said Alice. "Jokes are funny. This is sick."

"If you say so," said Carol.

"You need help," said her mother.

"You're the one who needs help," said Carol.

"I'm not the one who says they want to kill people," said Alice. "I've made arrangements. You're going away tomorrow to get help. Professional help."

"No, I won't," Carol screamed. "I'll kill myself. Right here. Just watch me. I'll put a knife right in my chest."

"Go to your room," said her mother.

"I mean it mother," Carol yelled. "I'll do it right in front of you."

"Go to your room," said Alice.

Carol went to her room and banged her head against the wall till it bled. The next day Alice and Hector drove her to a hospital in Tucson. When she came home two months later she was much calmer. She taught herself guitar and played Suzanne Vega songs in her room.

When Carol's brother Evan was growing up he liked to play in the desert all day with kids from the neighborhood. His friends' parents thought he was nice enough but they all agreed he never seemed comfortable around adults. He got good grades and liked math and science. He followed the Texas Rangers and the Dallas Cowboys, but wasn't athletic. The only time he ever got angry was when someone made fun of him. On those occasions he shrieked like a banshee and his face turned so red it scared people. Sometimes he burst into tears. It didn't happen very often, but was such a contrast to his usual shyness that his friends' parents remembered it. After his father died he had nightmares and couldn't concentrate on schoolwork. His teacher said Evan must have attention deficit disorder. Alice brought him to his pediatrician, who did a thorough exam and tried to reassure her that Evan's behavior was probably due to grief and would improve with time. Alice was appalled at the doctor's incompetence. She rushed her son to an ADD specialist in El Paso who prescribed a series of drugs, but Evan wouldn't take them because they gave him headaches. His grades dropped. His mother was tired of getting notes from teachers saying he daydreamed in class and didn't finish homework. She finally took him to Carol's psychiatrist, who prescribed an anti-depressant. His concentration improved a bit, but his nightmares didn't.

Carol Frey grew to be a tall young woman, lean and pale, with straight hair colored black or henna according to her moods. Her nose was long and straight, her eyes deep set. Most days she favored dark clothes with high top sneakers. When she felt whimsical she preferred a preppy look. Her psychiatrist was always trying combinations of the newest drugs on the market. After high school she went to St. John's College in Santa Fe for a year, but fell in love with a self-help guru named James Easley and dropped out to fulfill her spiritual needs. Easley grew up in Knoxville, Tennessee, the son of a minister for the Church of God. When he finished his MBA at Vanderbilt he travelled around India and Tibet for a year before becoming a regional

sales manager for Pepsi-Co. Easley told his clients that his teachings were a mix of tantric yoga, motivational speaking, and string theory.

"How would you like to move to Sedona?" he asked Carol one day.

"Sure," said Carol. "But why?"

"I think business would be better there."

"OK," she said.

"And let's get married," he added.

"Sure," said Carol.

Carol and James married secretly and moved to Sedona where Carol took up massage therapy. One day she found James passed out on the bathroom floor from a drug overdose. When it happened a second time she told him she would leave unless he stopped. A week later he emptied their bank account and disappeared. Carol used her credit card to get her left arm tattooed with hieroglyphics from the Egyptian Book of the Dead and moved back with her mother in Las Cruces.

Alice was not happy having Carol back home, let alone paying for her divorce from Easley. It was hard enough having a teenage boy around. But Carol made it clear she did not want to go back to St. John's.

"Nobody liked me there," she said.

"So what do you plan to do with your life?" asked Alice.

Carol said she didn't know. "Move to L.A., maybe. Or London."

"And do what?" said her mother.

"Get away from you," said Carol.

Carol found a part-time job as a veterinary assistant and took an anatomy course at the community college. The rest of the day she chain-smoked and drank coffee. She was smoking a cigarette one afternoon as she walked through the Mesilla Valley Mall. A pregnant woman and her husband stared at her as they passed by. Carol ignored them, but the husband chased after her and blocked her path by the entrance to Sears. He was a large man with a goatee and a bald head shaved smooth, his t-shirt hanging over a belly as round as his wife's.

"There's no smoking here," he said. "Cigarette smoke makes my wife sick."

Carol stared at him blankly with one arm folded across her tank top. She held the other at her side with her forearm raised and her wrist cocked, cigarette smoke curling past her right ear. His face turned red. “Put the damn thing out,” he shouted. Carol shifted her weight and inhaled deeply. Her brother Evan and his friend Carlo came out of the bookstore nearby just in time to see the man knock the cigarette from Carol’s hand. They quickly circled round him.

“That’s assault,” said Carlo. “We’re calling the police.”

Carlo was lean and short, with a sharp chin. He wore a Kein Mitleid t-shirt, cargo shorts, and an Oakland A’s baseball cap turned backwards. Evan was just as thin but much taller and slightly stooped, with a broad nose and curly hair covering the top of his ears. Neither of them looked intimidating. The man bumped into Evan backing away.

“Police!” Evan shouted as the man hurried away.

“Police!” Carlo called out after him. They laughed as the man hurried to join his wife in the passing crowd.

“You guys are funny,” said Carol.

They walked into Sears together. “Do you know where we can get some After Shock?” asked Carlo.

The fat man with the pregnant wife was John Scarp, Hector Apodaca’s brother-in-law. Scarp’s wife told her brother what happened, and Hector told Alice. Alice was so mortified she took away Carol’s credit card. The boys were grounded for a month and their parents made them write an apology to the Scarps. Evan’s apology was intentionally sarcastic, but Carlo rewrote it for him. He insisted their apologies seem contrite and respectful. When Carol read her brother’s revised letter she scoffed. “This man abuses your sister and you just say you’re sorry? What kind of brother are you? Won’t anyone stick up for me?”

“It wasn’t my idea,” said Evan.

Carlo smiled. “You don’t get it,” he said.

“Don’t get what? Ass kissing?” she replied.

“No. You just don’t know how to get even, that’s all,” said Carlo. Then he turned to Evan and told him they were going on a mission. The boys sat down with notebooks to sketch out ideas.

Carlo Pipes was the son of Felix and Helen Pipes, high school sweethearts from Stockton, California. Felix Pipes was a quiet, disciplined man who retired to Las Cruces from Holloman Air Base after twenty years flying jets for the Air Force. He now consulted for Lockheed at the missile range, and in his spare time worked on his golf game. Helen Pipes had followed her husband around the country from air base to air base for two decades without complaint. Carlo’s father set strict limits on his children. His mother indulged them when she could, but never crossed her husband. As a boy Carlo had a close circle of friends wherever he lived, which made it harder to leave them with each move. He hated being indoors, and spent as much time as he could playing in the woods near his father’s air base when he was little, leading his friends in imaginary battles with alien armies. When he was older he played video games with new comrades in an upstate New York town by the Canadian border. He always liked fishing with his father and his older brother, and felt contempt for people who couldn’t appreciate nature the way he could. The only time he got in real trouble was when he stole a cigarette lighter to set off firecrackers one Fourth of July, and his father disciplined him severely. Carlo’s brother Don played varsity football at Las Cruces High, but Carlo wasn’t interested in sports. He had a knack for computer games and liked to read. He’d been leading his friends on missions since eighth grade. They started as pranks throwing eggs and firecrackers, but Carlo was making pipe bombs now and liked to shoot out windows with his pellet gun.

Carlo waited outside Evan’s house just after midnight. Evan detached the screen from his bedroom window and slipped into the yard. The boys paused when a neighbor’s dog barked, then made their way through backyards down the block as quickly as they could, careful to avoid the barbed spines of cholla and prickly pear thorns, before anyone woken by the howling dog could see them. Carlo chose this night because the moon wasn’t bright enough to cast shadows. Evan’s backyard sloped down to a small arroyo that led toward town and sheltered them from the street

until they were well past his block. Carlo pulled a pint flask from his pocket. The boys passed it back and forth as they walked, trying to ignore the sweet sting of the After Shock as they swallowed. They kept a sharp lookout for police cars and waited to cross the four lanes of Telshor until they were sure it was deserted. Scarp's house was a five-minute walk down the long steady slope toward the flood plain of the Rio Grande and the center of town. His pick-up truck was in the driveway next to a line of ocotillo. They could see the shifting images of a TV screen in the front window but no figures on the couch or chairs. "Let's go for the truck," said Carlo. He motioned for Evan to go back up the street and they crouched next to a low stonewall two houses away. The truck was in plain view but they were hidden from Scarps' house.

"Give me the gun," said Evan. Carlo waved him off as he took aim at the back window of the cab.

"I'm going for the window. You take out the back tire. We have to do this fast and get out of here." Evan nodded.

"Oñate," Carlo whispered as he took aim.

"Oñate," Evan repeated.

Carlo squeezed the trigger. The gun popped and a pellet cracked through the glass. Evan grabbed the pistol and rushed his shot—it hit the hubcap with a dull pang that left a small dent. The front door of the house seemed to burst open at the same instant. Evan tucked the pistol in his belt and the boys sprinted away as porch lights flashed around them. They heard Scarp's truck start, the engine echo down the deserted street, a dog barking, two others joining in. They cut into the small side-yard of the nearest house to get out of view of the truck as it passed, dodging in and out of shadows, making their way slowly and carefully from house to house, street to street, until they were in Evan's backyard.

Shortly after, lights swirling across her bedroom walls woke Alice from a deep sleep. Peering out her window she saw a police car in the driveway. She hurried downstairs in her bathrobe as the doorbell rang. Two policemen waiting on the front stoop said they were investigating a crime report and asked to talk to her son. Alice, startled and still half asleep, left them waiting in the vestibule while she found Evan and

Carlo in the family room playing video games. She brought the boys to the front door where the officer in charge told Evan and Carlo they were under arrest.

"Wait," said Alice. "What is this?"

"Where's the gun?" asked the officer as they handcuffed the boys. The boys didn't answer. "Things will go better if you cooperate," said the officer. Evan got his backpack from the closet and a policeman pulled out the pellet gun.

"What's going on? They've been here all evening," said Alice.

"These youths were seen shooting at a house on Crestview," said the officer. "If you want more information you'll have to come down to the station."

The police took Evan and Carlo to the station house and questioned them separately into the early morning. Alice waited in the lobby with Hector, mortified that her son might be named in the local crime ledger. The Pipes' soon joined them. They had never met.

"It was just a stupid prank," Evan told the detective interrogating him in a small room with a metal desk and metal chairs.

"Whose idea was it?" asked the detective.

Evan said it was hard to say. "Both of ours, I guess. We wanted to get even."

"For what?"

"For Scarp being a jerk," said Evan. "For telling our parents about this mall thing and making us write a stupid apology."

"Do you think Scarp was wrong?"

"Let's just say he started it. And then he over-reacted. We were just joking around with him. It wasn't fair."

"So you had to go shoot up his truck?"

Evan's face reddened. He clenched his fists but kept quiet.

"So you had to shoot up his truck?" asked the detective, louder.

"No, we didn't *have* to," said Evan. "We just *did*. Like I said, it was stupid."

"It was a crime," said the detective.

"Yeah, a stupid crime. We'll pay for the damage. What more do you want?"

The detective nodded and smiled. "Oh, there's more."

Carlo was getting the same treatment in another room. “I guess we weren’t thinking,” he said.

“About what?” asked his detective.

“About what we were doing. About what could happen. We could’ve hurt someone. You know, by accident.”

“What do you mean?”

“Like with a pellet. A ricochet or something.”

“Right. So whose idea was it?”

Carlo said he wasn’t really sure. After a pause he added. “Well, I guess it was Evan’s. Not that I refused to go along or anything—he’s my best friend and all. We stick together. But Evan was really mad at Scarp.”

“…mad at Scarp. Why?”

“Because he thinks Scarp is retarded and has no right to mess up his life. He was really ticked about the apology.”

“How about you. Were you ticked?”

“At first, I guess,” said Carlo. “Then my dad made me see we were out of line. So what’s going to happen to us?”

“Your parents are waiting outside. You’ll be charged and released in their custody.”

“I really let them down,” said Carlo.

“You what?”

“I really let them down. They don’t deserve this.”

Diversion

The boys were charged with a fourth degree felony for criminal damage to property, and released to the custody of their parents. Felix Pipes was in an attorney's office the next day.

"A criminal record will ruin his future," said Felix. "I can't let that happen."

"You say Carlo has no prior criminal record," said the attorney. "And he does well in school?"

"That's right."

"And no drugs."

"No drugs."

"Then we have a shot at diversion," said the attorney. "I'll refer him for a pre-screen."

"What will that do?" asked Felix.

"Diversion? Nolle Prosequi. Drop the charges, if he's accepted."

Felix Pipes had no trouble convincing Alice Frey to go along with the plan, and both boys submitted paperwork for the Pre-Prosecution Diversion Program. In their statements they described the shooting as a prank that went too far, and said they would work after school to pay restitution. The investigating officer verified that Evan and Carlo had no prior records, were good students, and were from responsible, stable families. Getting a victim's statement wasn't so easy. John Scarp wanted them prosecuted.

"Those kids are dangerous," Scarp told the attorney, "and they don't fool me. That was no prank. If no one does anything they're going to hurt somebody. I don't want them getting off with a slap on the wrist."

Alice told Hector to intercede with his sister. "Offer them money if you have to," she added. Hector went that evening.

"Okay," said Scarp after Hector made his case. "I'll give you your letter. But it's only because my wife wants me to. I still think they're criminals." Hector assured him the court would make the boys pay damages for the truck. "That's fine," said Scarp. "But there's one more thing. Michelle had a real shock that night. We worried she'd

have a miscarriage. We deserve some compensation for that, too." Hector delivered a cash payment to the Scarps that evening. Evan's attorney got the statement he needed and the boys applied to the diversion program. They admitted their guilt and wrote a description of their crime for the record.

"When I put myself in the position of the victim," wrote Carlo, *"a man whose wife is pregnant, I can see how wrong and thoughtless my actions were. I would feel violated not only for the damage to my property, but for the anxiety caused to my wife and unborn child. At first we were just going to toilet paper his house. I don't know why Evan wanted to bring the pellet gun. I can see that letting anger get the best of you can cloud your judgment and lead to things you don't intend. Sticking by your friends is important, but it isn't always the right thing to do. At least now I can see more clearly what the consequences of my actions will be in the future. I need to make better choices."*

Evan's said simply, *"Destroying property is a serious matter. I don't know why I did it. I've never done anything like that before. It just seemed like a game. It was immature and I should have known better. I will get a job to pay for the damage I caused."*

David Rivera was the probation officer assigned to their case. He interviewed both defendants one week after they submitted their statements. Their stories hadn't changed. In answer to the routine background questions, Carlo admitted trying alcohol a few times but never drugs. He said he stopped drinking because didn't like the feeling of losing control. Evan said he wanted to go to college and study computer science. Rivera interviewed the boys' parents for as well.

"Evan was in the gifted program in elementary school," said Alice. "He was always a shy boy. Very shy. It got worse after his father died. He was seriously depressed. He has ADD, you know. He took medication for it but had to stop because of side effects. He still takes medication for depression. I try my best to help him. It's tough raising a teenage boy without his father. He gets so down on himself."

Rivera asked Carlo's parents. "Would you know if your son was using drugs or alcohol?"

"Of course we would," said his mother. "We're a very close family."

"Carlo said he used alcohol a few times," said the officer.

“We’ll put a stop to that,” said his father.

Mrs. Pipes said they were in family counseling now. “And Carlo is seeing his own therapist.”

Officer Rivera was impressed by Carlo’s insight and remorse, a more mature response than most offenders. Rivera thought Evan an angry kid, but not violent. In his report to the district attorney Rivera stated they both had excellent potential for rehabilitation and posed no threat to the community. The district attorney agreed, and the court accepted them into the diversion program for twelve months. They had to complete eighty hours of community service, attend counseling, maintain their good standing in school, stay drug and alcohol free, not possess any deadly weapons, submit to and pay for urinalyses, attend a prison tour, and pay restitution to John Scarp for the damage to his truck. The terms and conditions were signed and notarized by the defendants, returned to the PPD officer and approved by the district attorney who filed a motion to suspend the criminal proceedings.

The day Evan was approved for the diversion program, Alice Frey returned home from the DA’s office to find Carol smoking in her bedroom.

“I’ve had it with you,” she screamed at her daughter. “This whole thing started with your damn smoking. Do you have any idea how much this is costing me in lawyer’s fees? Not to mention payoffs to that fat jerk? If you want to go to Los Angeles, start saving. You’re not getting a dime out of me. The next time I find you smoking in this house you can move out.”

Carol put out her cigarette in a coffee mug and shrugged.

“Well?” said her mother.

Carol shrugged again. “OK,” she said.

“You’re pathetic,” said her mother. Alice left to spend the night with Hector. When Evan came home, Carol drove them to the Sonic drive-in on El Paseo for dinner.

“Mom hates me,” she said.

“So what. She hates me too,” said Evan.

“You should do something about it,” she said.

“What about you?”

Carol blew a lungful of smoke out the car window and grunted. “I wish I could,” she said.

Gun Control

Evan Frey and Carlo Pipes first met in ninth grade at Oñate High. It was the new school in town, built in the desert on the east side near the spot where Pat Garrett was gunned down. Don Juan de Oñate became one of Carlo's heroes when Carlo wrote a term paper on him for history class. *"Being a Spanish nobleman,"* Carlo began, *"Oñate did not put up with insults. He was a fearless and ruthless leader. He did not tolerate disloyalty or disobedience. Like all great men, he did what needed to be done without doubt or pity. The greatest example of this was his punishment of the Acomas. He knew that cutting off the foot of every Acoma man over the age of twenty-five would be a constant reminder of his power. He made the Acoma women and children watch his soldiers carry out the punishment. His grand gesture put fear in his enemies for generations. If he had shown weakness for a moment, the Indians, who greatly outnumbered the Spaniards, would not have hesitated to slaughter them."*

"Oñate has been called a racist for what he did to the Acomas. I disagree. The facts say otherwise. He was equally harsh when his own men disobeyed or betrayed him. He had Captain Alonso de Sosa Albornoz executed because de Sosa said he was moving his family back to Nueva Vizcaya without Oñate's permission. If Oñate allowed colonists to abandon the colony whenever they felt like it, New Mexico would never have been established. It shows how totally committed he was to his plan. When he could no longer tolerate Captain Pablo de Aguilar's treachery, Oñate acted decisively. He ordered his guards to seize Aguilar in his tent. Aguilar begged Oñate to let him confess his sins before he was killed, but Oñate ignored him and ran him through with his sword. Like his treatment of the Acomas, he had deterrence in mind. He sent a message to the rest of the colony that traitors would not only be executed, they would die in a state of sin."

"Don Juan de Oñate y Salazar was a true conquistador and I am proud to have my school named after him."

In her written comments Carlo's history teacher pointed out that Oñate's violence was the norm for his time, but added there was no need to glorify it. She also said the

paper was well researched and that Carlo "had obviously put a lot of thought into it and gave a vivid portrait of his subject."

Evan started a journal when he was fourteen. At first he meant to write love poems, but the more he thought about the objects of his love the more he felt rejected by them. His musings became more metaphysical. He questioned why God made the choices He made. He wondered why God had singled him out to make his life such shit. He was convinced that his questions made him unique. Other people were content to be, in the words of his journal, unaware. He called them zombies, the brain dead, beings incapable of the deep thoughts he was having. His first hints of suicide came when he was fifteen. "I'm tired of the pain I feel," he wrote. "I doubt I'll find what I'm looking for in this world." He printed each word carefully in pen with Gothic letters, and illustrated his pages with skulls, swords, birds, hearts and runic inscriptions. *"Why am I such a coward? I hate myself for that. Fear is part of me. It's biology. Why am I afraid of people I hate? They have no idea how pointless they are. Why do I need love if I'll never find it? But unlike zombies, I'm aware how futile my life is. Sometimes I wish I were brain dead, too. Do I really want to know I'm doomed? It doesn't matter. I hate my fate and I accept it."* He drew tangled lines in the margins that he called thought pictures.

When he began the diversion program Evan started a new chapter. *"Now my humiliation is complete. I have to answer to zombies and they control my life. It's so hard to pretend I don't hate them. I am worthless and at peace. I know I will never finish the program."* He was falling asleep in class and getting D's. He didn't show up at the soup kitchen for his community service. He was fired for coming late to his job at a supermarket. His diversion officer wrote: "Unmotivated. Oppositional. A smart kid, but a real slacker. If he doesn't shape up he won't complete the program."

Carlo on the other hand was prompt in all his meetings with Officer Rivera. He got a job at Radio Shack and paid his restitution to John Scarp four months later. Then he kept on working, saving money to make more pipe bombs and experiment with napalm, using recipes from the internet. After his mandated tour of the Southern New Mexico Correctional Facility, Carlo wrote a short essay on what he learned. *"What*

impressed me the most," he said, *"was the waste of human life. It's sad to see people who have given up their right to live in society because of the bad choices they've made. I feel sorry for them because they're human beings, too. I have too much to live for to throw away my life like that."* His diversion officer was pleased. "Carlo is a bright young man who has benefited a great deal from his experiences in diversion," wrote Rivera. "He is an excellent participant and I expect great things of him after he completes the program."

One day Alice Frey called Evan and Carol into the living room to make an announcement. She had them sit on the sofa while she stood rigid before them with her arms crossed as if hugging herself.

"Hector is moving in with us," she said. Her children said nothing as she paused, examining their faces for a reaction. "And we're getting married." Evan and Carol remained silent, looking a little bored. "Well, don't you have anything to say?" she asked. "Congratulations or something?"

"Oh," said Carol. She paused and shrugged, "Oh, well."

"That's it?" said Alice. "Oh, well? You might think of my happiness for a change. What about you, Evan? What are you thinking?"

Evan said she didn't want to know what he was thinking. His mother told him it didn't matter what he was thinking. "Hector's moving in," she repeated.

"Great," said Evan. "Seeing him at school isn't enough. Now I have to see him here, too?"

"That's right," said Alice. "I'm not asking your permission. I just want to know if you have any questions."

"Just one," said Carol. "Why?"

"Because there's no point keeping up two homes," said Alice. "And things are getting out of hand around here. I don't think I have to explain what that means. I'm at the end of my rope. I need someone here on my side."

Evan sank deeper into the couch.

"Don't roll your eyes at me," said Alice.

"I didn't roll my eyes," said Evan.

“You know what I mean,” said his mother. “You better get on track real fast, buster. I got a call from your PPD officer this morning.”

Carol burst out laughing.

“You think that’s funny?” said Alice, shaking a finger at her daughter. “You think it’s funny your brother will go to prison if he doesn’t get with the program?”

“Yeah,” said Carol.

“Forget about your brother. You need to figure out what you want to do with your own life. It’s passing you by.”

“And what about you?” said Carol. “You think life is passing you by? Is that why you want to screw Hector?” Her mother lunged at her, but Carol had already sprung toward the front door. “Do whatever you want,” she said. “Why bother with us?” Carol skipped out leaving the front door open. Alice returned to the living room where Evan slumped on the sofa with his eyes closed.

“I don’t want you giving Hector any trouble,” said Alice.

“Why, is he the man of the house now?” Evan replied.

“Do you think you should be?” she asked. “Then maybe you should act like it.”

“Yeah, right.”

“Start taking some responsibility around here.”

“That’s okay. I’ll leave it to Hector.”

“I don’t need a man of the house. I just need two kids to grow up.”

“Whatever.”

Hector moved in the next week. Evan and Carol avoided him as best they could. When at home, Evan spent most of the time in his room playing games on the internet while his mother thought he did homework. He was surprised to find a girl in a chat room who seemed to understand his angst. Despite his shyness he pursued her. She sounded smart and didn’t talk nonsense. That frightened him, but gave him hope. He started taking shots of tequila before sessions with her to make his words come easier. When he was high he thought he said what he really felt and was even brave enough to brag a little, but she was quick to tell him when he sounded false. One night he wrote, “I’m a worthless criminal not fit for human company.” He knew he was being too

dramatic but couldn't help it. He was leading up to his suicide plans. She told him he sounded weird, and pointed out his grammar and spelling errors. He said it was because he'd been drinking. That ended it. She dropped him and disappeared. He went back to his computer games.

As the holidays approached, Alice told Carol she wanted her at home for Thanksgiving dinner. Carol told her mother she had other plans.

"Then change them," said Alice. "Your grandparents are coming. We don't do much as a family. At least we can have Thanksgiving together."

"Will Hector be here?" asked Carol.

"Of course he will," said Alice.

"He's not our family."

"He will be."

"He'll never take my father's place," said Carol.

"Don't be ridiculous," said Alice. "He's not trying to."

"Because that would be a joke. He's nothing like my father. He's a freaking assistant principal."

"Since when did you become such a snob?" said Alice. "I've been walking on eggshells for years, worried about your fragile psyche, and it's all about your snotty attitude. And your father, the great surgeon, was no saint. He's lucky he died when he did or you would have learned what kind of man he really was. You think he cared about you? Him and his girlfriends. He was selfish as they come. A lot like you."

"At least he got respect."

"Respect?" Alice laughed. "He didn't care about anyone but himself. You'd have a sister if he wasn't so selfish."

"Not that again," said Carol. "It's not his fault you had a miscarriage."

"That miscarriage was an abortion. Because that's what he wanted. I'll always hate him for that. I hate myself for that, too."

"You're such a drama queen," said Carol, pressing her hands over her ears. "I don't want to hear this. I won't be here for Thanksgiving."

"Oh yes, you will. Or you can find someplace else to live."

“Good idea. If I stay any longer you might be in for a big surprise. Have you seen the way Hector looks at me?”

“Don’t try to pull that crap on me. Hector looks at you the same way he looks at anyone else. It’s been too long since you’ve had a boyfriend.”

“Don’t be so sure.”

“So will you be here or not?”

“Sure. I’ll be here. Then you can see for yourself.”

Evan did just enough schoolwork to get his grades up to a C and started his college applications. Carlo had a setback when someone told his parents he was drinking again. He cleared the liquor bottles out of his room just before his father searched it, but was still grounded for a month. What really hurt was losing his computer privileges. Angry as he was, Carlo realized he had almost blown the diversion program and had to keep his nose clean. He forced himself to study more and got A’s in his classes. The one thing he couldn’t stand was his community service, serving meals in a soup kitchen. Homeless men disgusted him. He felt that feeding them was a waste of food. He got through his sessions by thinking about guns. He was lucky the staff never reported him to Officer Rivera for skipping work or leaving early.

As they drove to school one day, Carlo said to Evan, “You know what I learned about the homeless?”

“How rotten community service is?” said Evan.

“Besides that,” said Carlo.

“Okay, what?”

“They’re scum. They’re worthless. The frickin’ bleeding hearts who feed them should be shot for wasting food. Let natural selection take care of them. Or better yet, help natural selection along.”

Evan smiled. He rarely laughed. “Did you tell that to Officer Rivera? The lessons I learned in the PPD program?”

“I know what they want to hear,” said Carlo. “There but for the grace of God.”

“I don’t give a shit what they want to hear,” said Evan. They were entering the student parking lot. “You want to come to my place for Thanksgiving? I have to be there with Hector. My mom wants to torture me.”

Carlo asked if Carol would be there.

“Probably,” said Evan.

“Sure,” said Carlo. “But I don’t know how you stand it. Both of you.”

“I can’t. I hate seeing that loser every day. My father was head of the surgery department, for god’s sake.”

Carlo asked him what he was going to do about it.

“I don’t know. I’ll tell you what I’d like to do, though. Get rid of that prick. Get rid of them both. I shouldn’t think that about my mother, but I can’t help it. She’s such a bitch.”

“After what she’s done to you? Why not?”

“Because I hate feeling like this. I’d rather be dead.”

They found a parking space at the far end of the lot. Carlo turned off the engine and turned to Evan. “I bet if you did something about it you’d feel a lot better.”

“Like what?” asked Evan

“You know what I think about when I’m serving slop in the soup kitchen?” said Carlo. “How lucky I am to have a home? Yeah, right. Things like the bowling alley massacre. There’s some real shit. Seven people right in the head. I mean, those dudes didn’t fuck around. And the stupid cops never caught them. What we need is guns. You never know when you have to whack some zombies.”

“I know lots of zombies I’d like to whack,” said Evan.

“I have the money,” said Carlo. “Do you know who’d be cool with buying them for us?” Evan shrugged. “How about Carol,” said Carlo.

Carlo bragged about his missions on his website with the tag Karlamagnus. He explained how sometimes he chose random targets, but usually went after kids he didn’t like—some because he thought they slighted him, some because he thought they were weak. “I don’t care who hates me,” he wrote. “You provoke me at your peril.” He called his small gang ‘The Rearguard’, a neighborhood group that included Evan

and several other boys who came and went. Evan's friend Roger was one of them. Roger Krass lived on Evan's block and knew Evan since they were in the gifted program in grade school. They spray-painted doors, keyed cars, and put firecrackers in mailboxes together. But Carlo's pipe bombs scared Roger. He stopped going on missions when he found a girlfriend. Soon after he withdrew, Carlo was grounded for drinking. Karlamangus posted a new entry: "I get revenge on fags who betray me. I know it was you, you traitor fuckhead Roger. You narc'd me out to my father. That's why we hit your house. I know it was you. You deserve a slow death. I'd like to suck your blood and eat your bones. But I will show mercy. I will just blow you the hell up, like anyone who pisses me off. Like the whole f'ing human race. But I don't just hate things. There are things I love, too. I love natural selection. I want to make the world a better place. Get rid of all the weak phony assholes like you Roger. I'd take down the whole freakin' world if I could. The world would be better off without people."

Evan couldn't see how Roger deserved a girlfriend. Evan envied him, but stayed friends even though Roger spent most of his time with her—good enough friends that Evan told Roger about Carlo's website. Roger read Carlo's threatening rant and told his father, who printed it and brought it to the police saying someone was making death threats against his son. "Looks like a prank," said the police sergeant. He asked Roger's father if he knew who this Karlamagnus was.

"I have a pretty good idea," said Mr. Krass. "It's a classmate—Carlo Pipes. He's got it in for Roger. God knows why."

"Do you have any proof that he posted this?" asked the sergeant.

"Not directly, no."

The sergeant said there wasn't much they could do about it. It was probably just kids' stuff anyway.

"What do I have to do, wait until he attacks my son?"

"We need some direct evidence," said the sergeant. "When you have that we can do something. This Karlamagnus could be anyone."

"No, it couldn't."

"It does look like some criminal mischief might have occurred. I'll make a report and send these pages to a detective." The report was duly filed.

Carlo had an early Thanksgiving dinner with his own family. His older brother Don was home from college for the holiday. “How are your college applications going?” he asked.

“Okay, I guess,” said Carlo.

His mother said he was still working on them.

“You have to stop procrastinating,” said his father.

“The deadline’s coming up, Carlo. What’s the problem?” asked Don.

“No problem,” said Carlo. “I’m just not sure I want to go to college next year.”

His father pushed himself back from the table. “Then you better come up with a plan. You can’t just sit around here doing nothing.”

“I’m thinking of joining the Marines.”

“You?” said his brother. “In the Marines?”

“If you’re not sure what you want to do, the military is a good choice,” said his mother. “I’m sure Carlo would do fine.”

“I want a written plan,” said his father. “By Monday.”

“Yes, sir,” said Carlo. He excused himself after dessert and went to the Frey’s.

Carlo was glad for the chance to see Carol. He liked older girls—he thought his mind too advanced for girls his own age—and wanted to sound her out about buying guns. He arrived just as the Freys were sitting down to dinner with Alice’s parents and Hector. The Hallgerths had driven down from Albuquerque for the weekend. Evan and Carol watched sullenly while Hector carved the turkey, but Carlo kept up the conversation.

“Thanks for having me over, Mrs. Frey,” he said. “You always make me feel at home here.” After the boys’ arrest Alice didn’t want Evan to have anything to do with Carlo, but relented when she saw how well he was doing in the diversion program. She hoped he would be an example to Evan.

“You’ve been a good friend to Evan,” said Alice. “Even though you’ve done some dumb things together.”

“Yes, ma’am,” said Carlo. “I guess that’s true.” He saw Carol look at him in disgust and winked at her.

“We’ve all done some dumb things,” said Evan’s grandfather. He didn’t know about Evan’s arrest.

“Speak for yourself,” said Carol.

“I admit I have,” said Hector. “As long as we learn from it, that’s all that counts.”

“I guess some people just know it all,” said Carol.

“I’m sorry I brought it up,” said Alice. “Let’s get on with dinner.” She took the turkey platter from Hector and passed it down the table. Her mother broke into a coughing fit. “I don’t know why my allergies always act up in Las Cruces,” she said, excusing herself to take some puffs on her inhaler.

“Evan, I hear you want to go to college up in Fort Collins,” said his grandfather.

“Yeah, I guess.” Evan stared at his plate.

After dinner, Hector and Rolf retired to the family room to watch football while Alice and her mother cleared the table. Evan and Carol went outside to the patio. Carlo lagged behind to ask Alice if he could help in the kitchen. She shooed him out and told him to join his friends. The air outside was cooling fast as the sun dipped, but the three of them felt comfortable in t-shirts. Carlo patted his belly. “I’m so stuffed,” he said. He pulled a flask from the side pocket of his cargo pants and offered it to Carol.

“What is it?” she asked, lighting a cigarette.

“Vodka.”

“Sure. Wait here.” She went in the house and returned with three glasses half full of orange juice. They filled them to the top with vodka and sat down.

“Why do you talk so much shit?” Carol asked as she felt the first effects of the drink.

“It’s my mask,” said Carlo.

“It’s fake,” said Carol.

“No,” said Carlo. “It’s a real mask. So what if I lie like a salesman? The important thing is to get what you want. That’s all that matters. The real me doesn’t change.”

“So what’s the real you?”

He said someday he’d show her. “Evan and I have plans.”

Carol looked at Evan. “And what would that be?”

“Something you might like. But we need a little help.”

Carol raised her eyebrows. “Like what?”

Evan looked at Carlo and said, “Like guns.”

Carol laughed and snorted at the same time, then cleared her throat with a deep draught of her screwdriver.

“What do you need guns for?” she asked.

“For something personal we have to do. Something you might like,” said Carlo.

“Straighten things out,” Evan added.

“You guys aren’t serious,” she said.

“Yes, we are,” said Carlo.

“That would be so cool,” said Carol.

Carlo thought it wise to make their purchase out of town. They found a gun show in Ruidoso so they wouldn’t have to wait for a background check. Evan read aloud from the show’s promotional brochure as they cruised down Route 70 toward Alamogordo in Carol’s old Mercedes, “Purchases from the Ruidoso Lions Club Charity Craft, Collectible, and Gun Show will benefit Lincoln County Meals on Wheels, the Roadrunner Food Bank, Stranger Danger Program, eyeglasses for needy children, a summer camp program for hearing impaired youth, Christian Services, and veterans’ activities.”

“I guess we’re doing our good deed for the day,” said Carol.

The Ruidoso convention center was filled with yellow-vested Lions Club members, tourists and vacationers—mostly Texans, but some from Juarez and as far south as Monterrey. The boys priced guns on display while they talked up a dealer behind a long table filled with firearms.

“What you boys interested in?” asked the gun dealer.

“Shotguns. And maybe a rifle,” said Evan.

“Hunting,” added Carlo

The dealer eyed them suspiciously. “I can’t sell you anything without ID,” he said. “You got to be eighteen or no sale.”

“Of course,” said Carlo. “We’re just looking around.”

The dealer described the guns as the boys calculated what they could afford.

“Thank you, sir,” said Evan. “I’ll go talk to my dad.”

As the dealer turned to other customers they picked out a Stevens 12-gauge side-by-side double barrel shotgun, a Savage Springfield pump action shotgun, a Hi-Point 9mm carbine rifle and an Intratec Tec-9 pistol. Then Carlo spotted a knife display and took Evan to examine it.

“We need some of these, too,” said Carlo.

They paid cash for a large curved Gurkha and a Natchez Bowie, then found Carol pricing Kachina dolls in the crafts section. The boys gave her money and a list of what they wanted.

“So that’s two guns for each of you?” she asked.

“Yeah. We need firepower,” said Carlo.

“What about me?”

“That’s all we have money for.”

“I have money,” said Carol.

“Then get another Tec-9.”

Carlo and Evan waited in the car while Carol made her purchase. They stowed the guns in the trunk as she brought them out.

“We need ammunition,” said Carlo.

“We’ll stop in Cruces,” said Evan. “Wal-Mart’s on the way home.”

The Tularosa Basin opened before them as they rounded the hills of the Mescalero reservation, tired but well satisfied with the day’s work. The glare of the afternoon sun made them squint behind their sunglasses at the streak of white sand in the distance and the long, broken wall of the San Andres on the horizon. Pines and aspens gradually gave way to mesquite, greasewood and ocotillo as they descended. They passed the site of Blazer’s mill, where Billy McCarty and the Regulators shot Buckshot Roberts when he came to arrest them for Sheriff Brady’s murder. None of them had heard of the Regulators, but they knew the tourist stops with their pictures of Billy the Kid—bucktoothed, hat cocked, leaning on his rifle.

“Billy got it right,” said Evan.

“He didn’t take any crap,” said Carlo.

“A lot of people make bundles of money off him. Too bad he never saw a dime of it,” said Carol.

“Just wait till we’re done,” said Carlo. “No one’s going to remember Billy.”

“In a hundred years we’ll have our own souvenir shops,” said Evan. “In Mesilla,” he added.

“And the mall,” said Carol.

Carol put the transmission in neutral and let the car coast downhill. Foothills gave way to the flat alkaline basin running north to south. The southern tip tapered toward the haze of El Paso and Juarez; to the north was the Malpais with its black broken lava flow, and the green melted rock of Trinity site.

“Mom said that’s where our bad luck started,” said Carol, turning to Carlo and pointing north past the base of Sierra Blanca. “Grandpa was there when they tested the bomb.” Carlo nodded. “I used to hear my mom and dad arguing all the time. The heating ducts carried the sound up to my room. Mom said it was that mushroom cloud that messed up our genes.”

“I think they were messed up long before that,” said Evan, sprawled in the back seat.

They drove through Tularosa and south past La Luz. When they passed Alamogordo Evan scanned the sky for stealth fighters from Holloman. Two bat-like jets wheeled low in the distance. “That’s the way I’d do it,” said Carlo, pointing to the planes. “Don’t let’em know you’re there. Just…bam!” He cracked his fist in his palm. “My dad flew those things.” On the side of the road a billboard displaying a yellow shield with a Zia and an Iron Cross welcomed the Luftwaffe to New Mexico. The crooked, broken rim of the Organ Mountains rose ahead of them over the base of the missile range in the distance. The long road was straight and flat. Smooth piles of white sand drifted toward the highway on their right, flowing through a flimsy fence that marked the national monument. The monotony of the ride led Carol to thoughts of the last night her father was alive. The family had dinner together because he came home early. He said he was tired, but presided over the table as he always did. Then he went to the living room and read. She thinks she kissed him goodnight.

The car’s engine strained faintly as they began the ascent through Chalk Hill

toward the San Augustin pass. Salt grass beside the road was still black from the summer's brush fires. Charred cactus dotted the slopes toward Bear Canyon. To their left the Organs seemed to rise with them, showing naked cliffs and wooded arroyos, washes of rock tumbling to the desert above the buildings of the test range. A lone Nike missile, a stele from the base sprawling below, stood erect by the side of the road on the old Cox ranch land. Further up, the San Augustin Pass was blasted wide for truck traffic. At the summit they towered over the Mesilla Valley and saw its green line spread wide in the distance along the banks of the Rio Grande. To the northwest the sky merged with the Black Range. To their right stretched the waste of the Jornada, a land long accustomed to depredations. A gust of wind struck the car and snapped their attention back from the vista. As they passed out of government land and started the steep descent on the west side through Organ, doublewides sprang up along the road. Anyone from Las Cruces with a shovel and a dream of wealth wandered these hills a century ago. Now there was a tiny space museum just past the saloon of the old mining town, and a little further down was the turn-off to the NASA facility.

"I wish there was a way we could get some of Mom's money," said Carol. She lowered the windshield visor to ward off the setting sun as they passed the roadside marker where Garrett was killed.

"You mean Dad's money," said Evan. He was sitting straight up, his hair touching the car's roof.

"I mean our money," said Carol. "Before Hector gets his hands on it."

"Dead men don't spend money," said Carlo. He smiled, and the straight lines of his teeth showed good orthodontic care. The sun was huge and red, lighting the clouds crimson as it fell behind the line of the distant Floridas and the continental divide. Evan nodded silently while they rolled along the mesa.

"Do you think they'll really get married?" Evan asked his sister.

"How do we know they're not already?" said Carol. "And by the way, I think Mom's pregnant."

The road was level now, the billboards more numerous. They passed Oñate High and approached I-25. The school's outdoor sign rose on its large pole announcing a basketball game against Mayfield. Carol thought about the money that should be hers,

counting the dollars her mother spent on Hector and the money her mother would be spending on his child. To Evan their path was clear as if a voice had told him what to do.

"It doesn't matter one way or another," said Carlo. "What counts is you're going to do something about it. You can't go through life with your mother making a fool of you." They exited Route 70 onto the interstate and headed toward Wal-Mart.

Billy's Day in Court

John Kinney looked at the Kid and stroked his shotgun. "Time to go," said Kinney. The Kid slid off his cot as Billy Mathews, the other deputy, opened his cell door. The Kid and Mathews were well acquainted. Mathews was with Sheriff Brady and George Hindman when Billy and his gang ambushed them on their way to the Lincoln courthouse. Brady was killed outright and Hindman lingered in the street before dying, but Mathews wasn't hit. He hid behind a wall where he could see the two bodies lying where they fell. When Billy came to take the Sheriff's rifle, Mathews opened fire and shot him through the thigh before running off.

"This here Mesilla jail is about the worst I ever struck," said the Kid.

"You won't be here long," said Kinney. "I expect we'll be taking you back to Lincoln soon. There's a nice rope waiting for you." Kinney knew the presiding judge was good friends with J. J. Dolan. The man prosecuting the Kid had gotten Kinney off in a murder trial in the same judge's court.

The Kid shook his head and winked at Mathews. "I doubt I'll make it that far," he said, "if you're my escort." Billy shuffled to the door in shackles and the deputies loaded him in a wagon for the short ride to the courthouse. It was his third murder trial in Mesilla in as many weeks. His attorney, Judge Leonard from Lincoln, had the charges for the killing of Buckshot Roberts dismissed on the grounds that Blazer's mill was on Federal property and not under the jurisdiction of the District Court. No federal charges were ever filed. The Kid was also indicted for the murder of Morris Bernstein, the Indian agent's clerk, in a separate incident, but Bernstein was also killed on the Mescalero Reservation and the charge was dismissed for the same reason. The only indictment left against Billy was for the ambush and murder of Sheriff Brady in Lincoln. The case would have to be tried in the Lincoln district court and it was well known that people in Lincoln County, especially the Mexicans, were partial to the Kid. But Governor Wallace made his wishes known, so Judge Bristol ruled the Kid was to be tried in Territorial Court in Doña Ana County with the same judge, the same prosecutor, and in the same Mesilla courthouse as the Roberts and Bernstein trials. Judge Bristol

and Brady had been good friends. Bristol dismissed Leonard and appointed a Mesilla lawyer, Albert Fountain, to defend the Kid without compensation. The Kid was broke.

"Morning, Colonel," said the Kid as he took his seat in the courtroom. Both sides had finished testimony the day before and rested their case.

"Good morning, Mr. Bonney," said Fountain.

"It don't look too good, do it Colonel?" said the Kid.

"I'm afraid not," said Fountain.

"Well, I guess you done your best," said the Kid.

"You may either find the defendant guilty of murder in the first degree," Judge Bristol charged the jury, "or acquit. You may not consider a lesser charge. There is no evidence before you showing that the murder of Brady is any other degree from the first." The Kid was one of five men who fired at Brady when the sheriff was gunned down. "It is not necessary to prove that the defendant fired the fatal bullet. If it is proven that he was on the scene, it is sufficient evidence to convict." Fountain objected and the judge corrected himself on the last point.

The jury deliberated three hours before bringing a verdict of guilty. Bristol ordered the Kid's hanging take place in Lincoln on Friday, May 13. The Kid turned to Colonel Fountain. "If I can raise the money to bear the expense, will you carry my case further?"

"Of course," said Fountain.

"Then good-bye, Colonel." The Kid shook Fountain's hand with the iron chains dangling from his wrists.

"Good-bye, Billy. God have mercy on you," said Albert Fountain.

"Don't worry about me. I ain't dead yet." Billy grinned and waved at the spectators as they took him back to his cell. The next day the deputies loaded him in a wagon and he set out for Lincoln through streets lined with the curious. John Kinney and Billy Mathews joined his escort in Las Cruces.

Video Games

It was a rainless early spring. Three youths drove north on I-25 with weapons in their trunk. Carol was at the wheel, with Carlo sitting next to her and Evan in the back seat. Evan was unusually animated. He joked and sang along with songs on the CD player as they sped through the Jornada. The March winds had picked up, and fine sand worked its way through the car doors and windows. Carlo wore his Oakland A's hat, Evan had a blue bandana wrapped around his head. Carol was dressed in black leggings, a black sweatshirt, and red feather earrings. They all sported sunglasses that mirrored the moving desert between them.

"You know who really suck?" asked Carlo, starting the game.

"Dumb shits who say 'woofs' instead of 'wolves'," said Evan. "They should be hunted down and shot like dogs." He howled out the window. "You know who really suck?" he asked in turn.

"Retards who say 'smoking mirrors' and 'a blessing in the skies'," said Carol. "They should be burned at the stake. You know who really suck?"

"People who say 'eriudite' for 'erudite'," said Carlo. "They're the biggest fucks of all. They should have their brains ripped out their nose." He caught his half-profile reflection in the side window bobbing along as he surveyed the desert.

They drove along Caballo Lake, past exit 63 to Hillsboro and the Black Range, through Truth or Consequences with the wide swath of the Cañada Alamosa rising on their left, to Elephant Butte. The long line of the San Andres stretched out to the east, where they could see the massive swirl of Lozen Peak rising from the desert floor past the boundary of the missile range. They took Route 51 until it joined the county road at a right angle and turned south on the dusty track toward Upham. The sky was light blue overhead, but a cloudy haze circled the horizon all around. After a mile or two they pulled off the road and followed a narrow track a hundred yards into the desert, stopping behind a rise just tall enough to shield their car from view.

"Let's do it," yelled Evan as he sprang from the back seat. The wind was blowing hard. Sand stung his cheek as he opened the trunk.

“Here,” said Carlo, handing him a neckerchief and unfolding one for himself. The two boys tied them over their nose and mouth like train robbers in a silent movie. Carol wrapped a checkered scarf around her face like a kaffiyeh. Evan handed the pump action shotgun to Carol and the Hi-Point carbine to Carlo, keeping the double barrel shotgun for himself. They had sawed eighteen inches off the barrels so the shotguns looked like long pistols. Then they all shouldered duffel bags and hiked towards the hills until they came to a small depression with dead cottonwoods facing southeast toward Cuenca Canyon.

“This will do,” said Carlo. He pulled a wide roll of paper from his duffel bag, walked to one of the cottonwoods, stretched open a poster of da Vinci’s Vitruvian Man and tacked it to the trunk. “This is mine,” he said. “John Scarp before he got fat.” Evan pulled out a football helmet and set it on a large rock. “I got this one. Hector’s head,” he said. Carlo hung a stuffed toy zebra on the branch of a dead cottonwood. “Okay Carol, this one’s for you,” he shouted to her over the steady whine of the wind. “Mommy dearest,” she shouted back. The positioned themselves in a line with the wind at their backs and each fired a round. Carlo’s gun popped and its 9mm bullet hit the poster near the naked male figure’s left knee at the edge of the square. Evan aimed at the helmet and blew a jagged hole in the plastic that sent it bouncing up the opposite slope of the draw. The blast set his ears ringing and jolted his shoulder so hard he almost fell backward.

“Holy shit, this thing kicks,” said Evan grinning as he regained his balance, pupils wide from a surge of adrenaline.

“Bad things happen when you saw them down,” said Carlo.

“Bad shotgun,” said Evan, shaking his finger at the Stevens 12-gauge.

Carlo turned to Carol as she steadied her gun. “Careful. It’ll kick like a motherfucker.” Carol fired at the zebra, missing the target but blasting the branch that held it. The recoil knocked her off her feet.

“See what I mean?”

“Fuck this,” said Carol, throwing the shotgun on the ground. She picked up her Tec-9 and walked forward until she was five feet from the zebra lying in the sand. She braced herself and fired, maintaining her balance, shredding the toy, the wind blowing

the stuffing away in a long high swirl as her shoulder began to ache from the shotgun recoil.

They traded guns and took turns blasting targets until they began to feel comfortable with their weapons. Carlo practiced reloading his carbine on the fly so he could eject the old clip and insert a new one from his belt in one quick motion with barely a pause in firing. When their euphoria ebbed Carlo felt a burn where the shotgun barrel had scorched his palm. The skin on their thumbs and index fingers was scraped away and bled into their hands. Carlo took a sip from his flask and offered it to Carol. She declined with a wave and he passed it to Evan. The two boys finished the vodka and resumed their target practice, but their aim was off and they started firing randomly into the hills.

"You're just wasting ammunition now," said Carol. "C'mon, fun's over." They trekked back to the car leaning heavily into the wind and stowed their weapons. Drifts of sand covered the road.

Carlo turned to Carol as they drove home past the southern tip of Elephant Butte. Evan was asleep in the back seat. "That Tec-9 is sweet," he said. "It's perfect for you."

"I know you're Evan's friend and all," said Carol, her eyes straight ahead on the road. "But what makes you want to do this? Really."

"Because they deserve it," Carlo replied. "Your mother, Hector, Scarp. In fact I'd say most people deserve it, wouldn't you?"

"Most people are stupid," said Carol. "That doesn't mean they did anything to me."

"That's where you're wrong. They're doing things to you all the time. Everywhere. They run the world. I don't know about you, but I don't want to live in it. Not with them. My choice."

"Okay."

"I plan to go out the way I want. Give folks something to remember me. That's my afterlife. And I'll even let them know what's coming so they can't say they weren't warned. Not that they'll get it. I despise them so much I want to come back and haunt the survivors. I'm a walking ghost anyway." Carol glanced across the seat at Carlo. He

did not sound drunk, gazing out the windshield. She was glad he was there. He would help steady Evan.

"You don't sound like any high school kid I ever knew," she said.

"Yeah. I hate the world," said Carlo.

When she got home Carol walked in the kitchen and threw her car keys on the counter.

"Did you get the laundry detergent?" asked Hector from the next room.

Carol went to the refrigerator for a bottle of spring water. "No," she shouted.

"I thought your mother asked you to get some," Hector called back.

"I forgot."

"If I were you I'd go back and get it."

"You're not me."

"I'm just trying to keep you out of trouble."

"Don't bother."

Carol went to her room and put on headphones as she lay on her bed. She was drifting asleep when she noticed a pounding on her door over the drone of the music. "Just a minute." She took off the headphones and heard her mother yell, "For god's sake, unlock the door, will you?" Carol slid off the bed and sauntered to the door.

"OK. Don't have a heart attack." Carol unlocked her door and flopped back on the bed as her mother burst in.

"So you couldn't even do the one little thing I ask?" said her mother.

"Oh, is that what this is about."

"I have work to do here. You could help out a little, if it's not too much to ask."

"I forgot. Big deal."

"Maybe I'll forget to pay your phone bill. Maybe I'll forget to pay your car insurance."

"Go ahead, if it makes you feel good. I don't care. "

"You've been like this ever since Hector moved in."

"You don't have a clue. I've been like this way before that."

"Because you have such a tough life here."

“What do you know about my life?”

“Then leave.”

“I would. But I don’t have the money.”

“That’s always your excuse. Find a roommate. Get an apartment. Move to L.A. and live on the street.” Alice slammed the door. “But you’re not getting another cent from…,” she shouted from the other side. Carol already had her headphones on.

Carol tried to think of people who might help her and decided to contact John Lucero. She hadn’t spoken to him since her father’s funeral. Dr. Lucero had gone through two partners since Albert died, and was losing patients to a new group of surgeons who moved up from El Paso. Carol met him in his office one afternoon after he finished work. Lucero greeted her politely and sat her down in a chair in front of his desk.

“I know this might seem a little weird,” she began, “but I need to ask a favor from you. I’m hoping you’ll help me out for my father’s sake.”

“Carol, if you have a medical problem. If you’re in any difficulty there.” He eyed her carefully. “I’d be happy to do whatever I can.”

“No,” said Carol. “I’m not pregnant. I’m moving to California. I was wondering if you could help me with some money to get started.”

“Oh” said Lucero, nodding his head, rocking back and forth in his chair. “But I don’t understand. I thought your father provided very well for you.”

“For my mother, maybe” said Carol. “But you wouldn’t know it by me. She won’t give me a thing.”

“So you two don’t get along?”

“More like she hates me.”

Lucero told Carol not to look at it that way. “She’s an accountant,” he said. “Accountants can be strict with the books. That’s their job.”

“She doesn’t mind spending money on Hector. My father’s money.”

Lucero said that was none of his business.

“Still, it’s true,” said Carol.

“It’s tough living at home when you’re an adult. Your mother was always a strong-willed woman,” said Lucero.

“She’s a bitch.”

“Strong-willed,” Lucero repeated. “Let’s leave it at that. And sounds like maybe you are, too. A bit.”

“I just want to get away from her. If my father’s friendship meant anything to you, please help me.”

Lucero said he’d like to, but it wasn’t that easy. “My practice has been slow lately. I have two kids in college. Why don’t you talk to your mother again?”

“No fucking way,” said Carol. “I’ve tried. I just figured you thought enough of my dad to help his kids when they needed it.”

“There are a few things you don’t understand,” said Lucero, leaning forward over his desk and tightening his lips. “Your father may have been a good surgeon, but he left this practice a mess. Somehow he managed to get all his money out and leave the bills. He didn’t do me any favors and I don’t owe him any. So if you need money, go ask your mother again. She’s the one who got it all.”

Carol rolled her eyes. “That’s all very interesting,” she said. “I guess my mother’s right. You are a wimp. You got where you are because of my dad.”

“I think you better leave.”

“I shouldn’t have come.”

That night Carol went over her finances again and knew she was stuck at home. She told Evan to put Dr. Lucero on the list.

Their last semester at Oñate Carlo and Evan took a video production class together. It was an easy course. They quickly learned to handle the equipment, and liked the freedom it gave them to wander the school with their cameras. They had plans for a special video of their own. Late one Saturday morning Evan drove Carlo’s Dodge pick-up down Telshor while Carlo held the camera they smuggled out of the video lab in Evan’s backpack. They pulled into the parking lot of a new commercial strip and shot a close-up of the entrance.

“This is where we kick things off,” said Evan. “My sister will do the honors. No big deal, just a little warm-up.” Carlo panned to the sign for Lucero’s office. “Yeah, things could get real warm,” Carlo added, turning the camera back on Evan who

looked directly at the lens. “She has a little score to settle with the good doctor,” said Evan.

They left the parking lot and went north on Telshor again, mocking classmates and teachers they despised as the camera continued to run. They turned left on Hillrise, then left again onto Crestview.

“That’s John Scarp’s house,” said Evan, pointing out the side window of the truck as he glanced toward the camera. “We have a little surprise planned for him. The fat fuck.” As they drove slowly down the street, the shot framed the interstate in front of them for a moment before Carlo panned back to Scarp’s small stucco ranch house and lingered on the living room window.

“This is where it really starts,” said Carlo from behind the camera. He pointed at Evan and Evan took his cue.

“Yes, this is where things gets interesting. But it’s still just a diversion. Well, maybe not just a diversion. We have important business here, too. But it’s really just a preview.” They drove in silence for a moment, the camera still recording till Evan pointed his finger at it and shouted in mock rage, “Don’t piss us off or you die!” Carlo nodded his approval and they drove on to Evan’s house.

“This place has to go,” said Evan. “It’s too bad, ‘cause I kind of like it. But it has to go because of the people. They ruined things. Just has to be done.”

Carlo lowered his voice to imitate a school counselor. “Maybe you should learn to resolve your conflicts in a way that leaves everyone feeling respected,” he said.

“If that’s not possible, you can always submit your grievances for arbitration,” Evan added. They laughed at their own wit.

“No justice, no peace,” said Carlo, his voice still lowered in imitation, the camera still running.

“No passion, no justice,” said Evan.

“That’s why we make our own,” said Carlo.

“Even if you fuckers out there don’t know what it is,” said Evan.

“We’ll show you,” said Carlo. “Just watch.”

Carlo recorded Evan getting out of the car and waving good-bye to the house. He zoomed in on Evan’s face. It looked puffy and clown-like. The boys switched places

and Carlo drove away while Evan filmed. “Now for the grand finale,” said Carlo. “Follow me.” Evan kept the camera going as they drove down Telshor and up Route 70, past sand hills with new neighborhoods rising on either side. When they reached the billboard announcing ‘Oñate High School. Home of the Knights’, they turned onto the service road and Carlo raised his fist in the air.

“Oñate!” said Carlo.

“Oñate!” Evan repeated off camera. Evan filmed the length of the school as they drove alongside. “This is where we hold the main event,” said Carlo calmly. “People are going to remember us.”

“And we’re not talking about pictures in the yearbook,” added Evan.

“When I think of what will to happen, I’m almost sorry,” Carlo continued.

“No, you’re not,” said Evan.

“I’m sorry the world is such a shitty place,” said Carlo. “And I’m sorry this school is so full of dumb shits.” Then, looking directly at the camera, “You all deserve to die, you know.” They circled the campus, silent for a moment.

“I’m sorry, Mom,” said Evan, turning the camera around and pointing at himself. “But you made me do it.”

Carlo answered in falsetto, “If only I’d asked the right questions.”

“If only we could have reached them sooner,” Evan echoed. Carlo turned to the camera and spoke in his natural voice. “Mom, Dad, this is not your fault. There’s nothing you could’ve done. This is just the way things are. This is what I have to do.”

Alice couldn’t stand the mess in Evan’s room any longer. She told the cleaning lady to get all the dirty clothes out of his closet. When the woman cleared a pile of underwear from the closet floor she found a sawed-off shotgun lying in the corner. She knew what a sawed-off shotgun was—her husband was an avid hunter, and she had been around guns all her life. She didn’t dare touch it, but promptly let her employer know what she found.

“Those things aren’t for hunting,” she told Alice. “Not outdoors, anyway.” Alice couldn’t believe Evan had the bad judgment to keep an illegal weapon in the house after his brush with prison. She was frightened, and asked Hector for advice.

“He’s still out of control,” she said. “The diversion program didn’t mean a thing to him.”

“For a smart kid he’s pretty dumb,” said Hector.

Alice said she had half a mind to turn him in.

“I know you’re mad,” said Hector, “but I wouldn’t get the police involved. We can handle this ourselves.”

“What does he want something like that for?” asked Alice.

“I don’t know. Why don’t we ask him?” said Hector.

Evan didn’t come home for dinner much anymore. That night was no exception. He was surprised to find both Hector and his mother waiting up for him when he rolled in at midnight.

“So what’s this about? Was I out past curfew?” he asked.

“No,” said Alice. “Arlene found something in your closet.”

Evan’s face darkened and his eyes bulged. “What the fuck! She has no business going in my closet,” he screamed.

“I told her to. Your room is a pigsty.”

“I don’t care,” said Evan. “That’s my property. She has no right. You have no right.”

“Stop right there,” said Hector. “She has every right. And you have no right to have weapons in this house, let alone illegal ones.”

“Just shut up!” Evan shouted. “You’re the one who has no right. You have no right to be here.”

“So sue me because I don’t want you going to jail.”

“What do you care? Except it would embarrass my mother.”

“Evan,” said Alice firmly. “What on earth do you need a weapon like that for?”

“Hunting,” said Evan.

“That’s no hunting weapon,” said Hector.

“Yes, it is.” Evan looked hard at Hector.

“What’s that supposed to mean?” asked Alice.

“Nothing. Go figure it out.”

“Just what do you have in mind?” said Hector.

"I said go figure it out."

"We're getting rid of that thing," said Alice. "You're grounded for a month. The next time you pull something like this we're going to the police. I don't care anymore."

"You'd do that to your own son?" Evan shot back.

"What kind of son does crazy things like this? What kind of son are you?"

"Hey mom, you made me what I am. Live with it."

The next day Hector broke the shotgun to pieces and threw them in the desert. Alice had a long talk with Evan's therapist who agreed to change his medication.

"I try my best to get along with him. It's no use," said Hector. "He's a mixed-up kid, Alice. I think he's dangerous. My living here just makes him worse."

"That's not your fault," said Alice.

"I know. But it's the same way with Carol. I should move out."

"Why? Who's in charge here, anyway?"

Hector told her it wouldn't be for long. "I'll move back after we're married. He'll be away at college."

"I wouldn't give them the satisfaction," said Alice.

"The truth is," said Hector, "Evan scares me."

Hector rented a small house in Mesilla Park and moved out. He stopped coming to the Frey house on Majestic Ridge, and Alice started spending her nights at Hector's. It was easy for Evan to ignore his grounding and stop taking his medication. Carol bought him another shotgun. The boys sawed it down and kept it at Carlo's house.

For their final school video project Carlo and Evan filmed themselves playing Chuck Franco and Joe Bob Sellers, two Las Cruces detectives who videotaped the crime scene of the Las Cruces bowling alley massacre. The video begins with a shot from the passenger seat of a car pulling into the bowling alley parking lot. It was the only scene they filmed at Ten Pin Alley, the building where the massacre took place when it was called Las Cruces Bowl. They staged the rest of the reenactment at the high school with actors from their class. In the next scene the boys, as the detectives, each hold a video camera as they walk down a hallway and point at a door, the screen image shifting from one camera to the other as they speak. Evan, playing Sellers, says,

“This is where the perpetrators entered. About eight in the morning, an hour before the bowling alley opens for business. Two men, one in his twenties, the other age forty to fifty. Probably Hispanic. The owner’s son saw them in the parking lot.”

“The side door was unlocked,” says Carlo as Franco. “It’s not clear why. The two men split up. One goes to the kitchen and the other to the office. Probably to round everyone up.” They filmed the next scene in the high school kitchen. Food is lying on the counters in different stages of preparation for the bowling alley snack bar. “The cook was getting ready for lunch. She heard two men come in and thought they were from the cleaning crew.”

“One of them stuck a .22 pistol in her side and took her to the office.”

A third camera shows the detectives as they walk down a hallway, filming as they go. “Maybe he told her it was a robbery.”

“The other gunman was already there. He found the manager working in the office with her teenage daughter and her daughter’s friend,” says Evan.

“This is where it happened,” says Carlo. They enter an office that’s in shambles. Overturned chairs and charred papers are scattered everywhere. Ashes cover a burned desk in the middle of the room. A young girl is curled on the floor in a pool of blood, played by the sister of one of the students in the video class.

“I have a kid that age,” says Franco. Carlo sobs and keeps filming. A young man and a teenage girl sprawl face down on the floor with their heads in their own pools of blood. The camera pans across the room. There’s blood splattered on the walls and the furniture. The desk is wet where the fire was extinguished.

“They make the cook, the manager, and the two girls lie down on the floor with their hands behind their heads. One of them keeps a gun on them while the other rifles the desks and takes money from the safe.” The scene cuts from one detective’s camera to the other.

“But for some reason they don’t bother to take all of it.”

“That’s when the young man appeared with the two young girls—his daughter and stepdaughter. He works here and was watching the kids for an hour while his wife went to class at the university. He just gave his two weeks notice. He has a degree in criminal justice and was applying for a job on the border patrol.” The camera shows an

empty doorway. “The perpetrators make the three of them lie on the floor with the others. When they finish searching the office, they shoot everyone in the head and set the place on fire.”

“This seems more than just a robbery. Are the killers sending a message? To who? And why?”

“The manager’s daughter survives. She crawls to a phone and calls 911. Her mother is lying next her. She can hear her mother gurgling as she breathes. Smoke is filling the room from the fire on the desk. She won’t let go of the phone after the police arrive because the dispatcher told her to stay on the line. They have to pry it out of her hand.”

“When the paramedics arrive three people are dead. One is a teenager, the other a young man, and the third a baby. The baby was shot point blank in the middle of the forehead. They find four people alive with head wounds and take them to the hospital. Three live.”

“Firemen arrive and put out the fire. The crime scene is a mess. Everything has been disturbed. Evidence is moved all over.” The cameras continue to pan across the shambles of an office smeared with blood and strewn with bits of burned paper. The film cuts to Carlo and Evan as themselves now, standing outside the bowling alley. “Maybe that’s why this crime has never been solved,” says Carlo. “The worst crime in the history of Las Cruces. So far. What do *you* think?”

Bob Lerer taught the senior government class at Oñate High. He was a favorite with students, an easy grader who coached the girls’ soccer team. Mr. Lerer seemed sincere but not too earnest, and dressed in a neat, casual style fitting for his age. Evan and Carlo sat in the back row at opposite ends of his classroom the day after they finished their bowling alley video. Lerer leaned against his desk at the front of the class, surveying his domain. His hair was thin and his belly hung just over the top of his belt, a small respectable paunch for a man entering midlife. He prided himself on his class discussions. There was nothing he liked better than walking into the teachers’ lounge and announcing he just had a great discussion. Evan had trouble staying awake in class, but Carlo liked to argue with other students.

“I want to call on some of you to discuss your essays,” said Lerer. He took a stack of graded papers from his desk and passed them out. “You’ve expressed some interesting ideas and I’d like to hear you defend them. Mr. Frey, why don’t tell us your thesis.”

Evan straightened in his seat and untangled his legs. He sat silent for a moment trying to rouse himself, feeling the eyes of the class turned toward him. He stared at his essay and saw he got an ‘A’ but did not know where to start. Someone across the room giggled. There were whispers in the front. His mind went blank.

“Mr. Frey?” Lerer prompted.

“It’s like, it’s like about…when,…” Evan stammered and halted. He saw a boy turn toward him and mouth the words “Earth to Frey”. Evan wanted to pound the boy’s face to a bloody pulp.

“Mr. Frey, should we come back to you?” said the teacher.

“Yeah,” said Evan.

“Okay, who would like to discuss their essay?” said Lerer. Carlo raised his hand.

“Wait,” said Evan. He stared at the paper on his desk. “I’m ready.”

“Ah. Glad you’re still with us, Evan,” said Lerer patient, encouraging. “Go ahead.”

“It’s about the death penalty. Why the death penalty is a good idea. Why it’s necessary. Not because it deters crime. The data is pretty clear on that. I don’t argue there is any justice in it, either. That’s not the point. When a great crime like murder is committed, society needs a catharsis. There’s too much pent up fear and anger. Execution purges the emotions. It’s a sacrifice. A human sacrifice. Like the Mayans used to execute their war prisoners. It’s a shared experience that makes the whole community feel better.”

Lerer asked how that was different from life in prison.

“Life in prison,” said Evan, “is a joke. We think it’s more humane, but it’s the cruelest thing we can do. When a criminal is executed his death gives a benefit to society. It has some purpose. But if he rots in prison for the rest of his life it’s a total waste. It’s not life or death. It’s just torture. At least execution has some dignity. So society is actually doing the criminal a favor.”

“Maybe we should ask the condemned man what he thinks,” said Lerer.

“It doesn’t matter what he thinks,” said Evan.

Bob Lerer smiled. He thought the discussion was off to a good start. “Then let’s get another point of view,” he said. “Mr. Pipes, tell us about your essay.”

Carlo looked up and faced the class. “I’d like to think,” he began, “it’s never justified to kill.” He searched for reactions from his classmates, finding looks of approval that filled him with contempt. “But let’s examine a hypothetical situation. A terrorist opens fire at random on a crowded street. His aim is deadly. The street is littered with corpses. He kills men, women, even babies. Old and young, it doesn’t matter. He makes no distinction. Then he hijacks a bus. He says he’s going to blow it up and kill everyone in it. A police sniper has the terrorist’s head in his sights. Is he justified in squeezing the trigger?” Carlo paused and saw a room full of nodding heads. His contempt grew. “I think we’d have to say ‘yes’,” he continued. “Why? Because it’s the lesser of two evils. If you don’t kill you allow more killing. But when it comes to the death penalty it’s a different story. The death penalty is unnecessary and therefore immoral because the murderer is no longer a threat to anyone. So it’s a matter of doing the greatest good in a given situation, which doesn’t deny the basic moral principle that killing is wrong.”

“Thank you, Mr. Pipes,” said Lerer. “Any questions?”

Robert Lerer went home happy with the way he stimulated thought among his students that day. He couldn’t wait to tell his wife.

Evan and Carol sat side by side on folding chairs in Carlo’s garage. At their feet were two duffel bags and a backpack. Carlo was behind a video camera on a tripod facing the chairs. He focused it one last time and set it to ‘Record’ before joining the other two—Carol in the middle, the boys on either side. Carlo took a long pull from a flask. He winced and passed it to Carol, who passed it to Evan.

“We’re almost ready,” said Carlo, addressing the camera.

“One more week,” added Evan.

“I think these guys are awesome,” said Carol, addressing the red light winking in front of them. “I’m proud of my little brother.” She jabbed him in the ribs with her elbow.

“And he has an awesome friend here in Carlo.” Carlo saluted Evan and Evan saluted him back. “These dudes know what they’re doing. Seriously.”

“We figure historians of the future may want to know how we put this little operation together. So we’re going to show you a few things,” said Carlo. He reached into one of the duffel bags and pulled out the pump action shotgun. “This is Annie,” he said, patting the stock softly. “That’s short for Annihilation. She’s mine.” He reached in the bag again and pulled out the double barrel shotgun, brushing the stock against Carol’s cheek as he handed it to Evan.

Evan mimicked a Hollywood cowboy accent. “This here’s Doom,” he drawled. “Ain’t she purty?”

Carlo handed Carol the Tec-9. “This one doesn’t have a name,” she said. “But she’s sweet.” She turned it around so the camera could view it from all angles, then pointed it at the lens. “Bam,” she deadpanned. Carlo held up the Hi-Point and the other Tec-9 while Evan dug into the second duffel bag. Evan emerged with a handful of six-inch pipe bombs to show the camera. Two had nails taped to them.

“More goodies,” he said.

“Those things will freakin’ hurt you,” said Carlo.

Carlo unzipped the backpack and pulled out a twenty-ounce carbon dioxide canister the size of his thumb. A fuse was taped to it and a match head was taped to the fuse. “Like my cricket?” he said. “Here’s how it works.” He took a long match-lighter strip from the backpack and strapped it to his left forearm with a Velcro clasp. Taking the cricket in his right hand, he reached across his body to strike the match head on the strip. Evan applauded as the small flame shot up. “How easy is that?” said Carlo, tossing the canister out of camera range. “Don’t worry. It’s a dud,” he added. “The others aren’t. They’re packed with gunpowder.”

“One more thing,” said Carol. She reached in the duffel bag at Evan’s feet that held the pipe bombs, pulling out a Mountain Dew bottle three quarters full of clear dark liquid with two storm matches taped to the side. “This one’s a classic,” she said, holding up the Molotov cocktail. “Original Finnish design.”

“I like to add a little styrofoam or rubber,” said Carlo. “More smoke, just for effect. The crowd loves it.”

“And last, but not least,” announced Evan from the other end of the couch.

“Far from least,” added Carlo.

“For hand to hand combat.” He pulled out a Ranger assault knife and thrust it at the camera. He passed the Natchez Bowie to Carlo who jabbed the air, then showed the Gurkha and a military bayonet to the camera.

“That’s about it,” said Evan.

“Not much, but it will have to do,” said Carlo.

“And remember your gun safety rules,” said Evan.

“Always keep the gun unloaded until ready to use,” said Carlo.

“Know your target and what is beyond,” said Carol.

“Never use drugs or alcohol while shooting,” added Evan.

“And be sure to keep your bombs out of reach of small children,” said Carlo.

“If things work out, we’ll see you in Mexico,” said Carol.

Carlo rose from his chair, stepping over the bags and weapons to the camera. “And if they don’t, we won’t see you at all.” He was out of the camera frame but his voice still recorded before it shut off.

Prom Night

The senior prom was coming and Carlo wanted a date—even Evan was going. Evan was too shy to find a date on his own, but a girl in his calculus class asked him to go. He thought it might be fun though he didn't like her that much. After two girls in the senior class turned him down, Carlo asked a sophomore. She turned him down too, so Evan said, "Why don't you ask my sister?"

"You think she'd go to a high school prom?" asked Carlo.

"Sure," said Evan. "She doesn't care."

"Why not?" said Carol when Carlo asked her. "I still have time to find a dress."

The boys decided to wear classic black tuxes, and rented a limo with two other couples. Evan's date Susan was a serious girl determined to have some fun for a change. She was good at math, insecure and slightly overweight. She was attracted to Evan's shyness and had vied for his attention since they were juniors. He seemed interesting to her because he was smart but didn't care about school. Some people considered her cute. Evan didn't, though he was always nice to her and didn't mind her company in a group. They planned a pre-prom dinner in El Paso, promising their parents they'd attend the post-prom at the high school. Oñate High held an assembly the Friday of prom weekend. The principal told the senior class he loved them all. He wanted them all to be safe so he could see every one of them back at school on Monday morning.

When Carlo rolled out of bed on prom day it was already hot outside. He checked his to-do list: pick up tux, get corsage, find over-proof rum, buy 9mm ammunition. The idea of going to the prom seemed trivial but necessary somehow. He woke Evan with a phone call to say he was on his way. When he got to Evan's house, Evan had fallen back asleep.

"Just go in his room," said Alice. "He's dead to the world."

Carlo found Evan sprawled face down on his bed with the TV on.

"Evan, get up," said Carlo. "We got to move."

"Why?" said Evan into the pillow.

"The prom," said Carlo. "We have lots of shit to do."

“Yeah,” said Evan. “Right.”

Evan dragged himself out of bed and pulled on an old t-shirt and shorts. It didn’t occur to him to brush his hair or get breakfast. They drove Carlo’s truck to the formal wear store where they waited in a long line to get their suits. There was another long line at the florist. After they finally picked up the corsages they rushed to Wal-Mart.

“We used a lot of ammunition on target practice,” said Carlo. “I want to make sure we have enough for the event.” Carlo had turned eighteen the month before and could buy legally now. They bought three hundred rounds of 9mm shells for the rifle and Tec-9’s.

“Shit, it’s getting late,” said Evan. They raced back to Evan’s house so he could dress. Susan was coming to take him to Carlo’s house for pictures. Carol was driving over by herself.

“We still need rum,” said Carlo. “Ask Carol to pick some up on the way. Don’t forget. 151 proof. This is important.”

Carlo dropped off Evan, hurrying home to hide the ammunition and get ready. Carol had just returned from the hair salon and was dressing in her room. She modeled in front of the mirror in a short black cocktail dress with long sleeves and sparkly cuffs. Her hair hung straight and she wobbled slightly on her platform boots.

“Carlo wants you to pick up some over-proof rum on the way to his house,” said Evan.

“Can’t he pick up his own booze?” said Carol. “I have a lot of things to do.”

“No,” said Evan. “He doesn’t have ID.”

Carol shrugged. “Oh yeah. I forgot.”

Evan had just stepped out of the shower when Susan rang the doorbell. Hector met her at the door, shooting her entrance with a video camera while Alice took still photos. Susan smiled, flattered and embarrassed. Alice and Hector tried to put her at ease while Evan pulled on his tux and slicked his hair back in a ponytail. He thought it would be cool to wear a real bow tie, but after five minutes of trying he still couldn’t tie it right and stuffed it in his pocket.

“Stand by the fireplace and we’ll get some pictures,” said Hector as Evan emerged from his room.

“Where’s your tie?” asked his mother.

“I’ll put it on at Carlo’s,” said Evan.

“How are we supposed to get decent pictures with you like that?” said Alice. “And here’s Susan looking so nice.” She glanced at Susan and smiled, making Susan even more uncomfortable. Her gown felt tight on her waist and hips, and her bare shoulders were cold in the air-conditioned room. Evan said they had to go. He grabbed Susan’s hand and pulled her to the door.

“Wait,” said Hector. “We want to get some shots of the two of you with Carol.”

“Too bad,” Evan called without turning back. Carol appeared from her room as the front door slammed shut. Her face was powdered white, her eyes framed in thick black eyeliner. Her lips and nails were painted black. Hector turned his camera toward her and she put a hand over the lens.

“Fuck off with that crap,” she said.

Her mother snapped a picture and put the camera down. “I don’t know why we bother,” she said.

“Then don’t,” said Carol. She grabbed her bag and rushed out to her car.

Mr. Pipes met Carlo at the front door with his video camera and followed his son to his room. “Hey dad, I have to get dressed,” said Carlo. “The guys will be here soon.”

“Okay, don’t pay any attention to me,” said his father as he kept filming. “This is before,” he said to the camera. Carlo laughed and backed his father out of the bedroom. “I’ll let you know when I’m dressed,” he called, closing the door. Carlo appeared a short time later in shirtsleeves, neatly shaved, with his bow tie slightly askew. His father picked up videoing where he left off. He followed Carlo to the living room where his mother was waiting for them and shot Carlo giving his mother a kiss.

“What a handsome young man,” she said. “All ready for your special night.” Carlo made faces at the camera.

“This is for posterity,” said his father. “We’re going to laugh about this with your kids.”

Carlo looked at the camera and winked. “If I live that long.”

When Carol arrived the other couples were already posing in the backyard while

their parents took pictures. Carlo's parents served iced tea to the kids and wine coolers to the parents. After they had photographed every son, daughter, couple, group, and pose they had time for, the parents kissed their kids goodbye. As they left, Mr. and Mrs. Pipes assured them all the kids would go to the post-prom party.

"Don't worry," said Felix. "We'll make sure they're alright. Everyone's getting home safe tomorrow."

The boys took off their jackets and tossed a Frisbee around the yard while they waited for the limo to arrive. The two other boys, Keith and Taylor, were in Evan's gifted program in grade school. The three of them had been good friends but drifted apart in sixth grade when the program ended. Their dates, Ashley and Jessica, had been Keith and Taylor's girlfriends all senior year. Carol lit a cigarette as the three other girls went inside to check their gowns. Carlo pulled Carol aside and asked if she had the rum.

"Why, were you worried?" said Carol as she blew a mouthful of smoke. She stared past him for a moment. "Of course. What kind of prom would it be?"

"You're the best," said Carlo. "We're going to make a great team."

Carol nodded and pouted her lips. In her boots she stood an inch taller than him. "Yes, we will," she said.

The limo arrived right on schedule, the driver a retired fireman in a black suit and string tie who dreaded proms. He held the door while the boys handed their dates into the car and they all spread out on the leather seats. The limo had a mirrored ceiling, a small bar and a refrigerator with ice and soda. As they merged onto the interstate, Evan filled cups with ice while Carlo poured an orange mixer into shots of black After Shock. The dark syrupy mixture took on a greenish tinge.

"Black Death anyone?" Carlo held up a glass in each hand and passed them on.

"Sure," said Susan. "My first one." She took the glass and braced herself for the taste but it was sweet as candy.

"Like it?" said Evan.

"Sure," Susan answered.

"These are good," said Carlo. "But wait till you taste 'Napalm Sticks to Kids.'" The boys laughed. "I brought beef jerky for the occasion. I'd make one here but our chauffeur wouldn't appreciate me lighting it." He pounded the glass partition behind

the driver. “Okay if I light a fire back here?” The driver shook his head. “See what I mean?” said Carlo. “Wait till we get to the prom.”

By the time they got to the Olive Garden in El Paso everyone was getting drunk but Carol. She stayed outside for a smoke while the rest of the company found their table.

“I can’t believe high school is almost over,” said Susan. “It all went by so fast.”

“Speak for yourself,” said Carlo. “It can’t come soon enough.”

“What are you doing next year?” asked Taylor. He was going to college in St. Louis.

“I don’t know,” said Carlo. “I thought I’d take a year off. Join the Marines, maybe.”

“But you’re so good at computers,” said Keith. “Why don’t you go to college?”

“I’m sick of school,” said Carlo.

“So’s Evan,” said Susan, glancing at her date, “but he’s going.”

“We have to stay in touch,” said Evan. “Or else.” He grabbed a steak knife and held it up like a dagger in a cheap horror movie.

“Or else what?” said Keith. “If you don’t put that knife down I’m going to light Taylor on fire.” He lit a match under the table. They could smell the sulfur as their server arrived.

“Can I get you anything to drink?” she asked.

“Sure,” said Evan. “A fire extinguisher.” As she paused suspiciously he added, “It’s a cocktail—two parts vodka, one part foam.”

“I’ll need ID,” she said.

“That’s a joke,” said Evan. The waitress hated prom nights too.

After dinner the boys lit up cigars in the parking lot while they waited for their dates. The air was smoggy and they heard faint pops across the river that could have been gunfire.

“I think I’d like Mexico,” said Carlo.

“You can have it,” said Taylor. “I’m getting away from the border.”

“C’mon guys,” said Evan. “It’d be fun. We could drink tequila and rob banks.”

He puffed on his cigar and coughed.

"I'll pass," said Keith.

Carlo stepped next to Keith and spoke in his ear. "Wouldn't it be fun to waste some jocks?"

Keith smiled. "Sure. And preps and fags, too."

"No, I mean it. Jocks. Could be done. Just like playing Doom."

"Jocks suck," said Keith. "And Doom is lame."

The girls appeared, laughing and whispering, self-conscious in their gowns, excited by the attention from the restaurant patrons. Carol stomped out her cigarette and the boys tossed their cigars in the dirt. They all took their seats in the limo for the ride north. Taylor blasted his music over the sound system while Carlo passed out another round of drinks. They flipped off passing cars even though they knew no one could see them through the tinted windows. Taylor turned to Evan. "Are you going to the reunion?"

"We haven't even graduated yet," said Evan.

"No," said Taylor, his words slightly slurred. "I mean the Hillrise reunion. The gifted program." Carol burst out laughing.

"Yeah," said Evan. "Sure. Can't wait." He gazed out the window and thought for a moment. "You know, that program was fun," he said. "But it wasn't real. After the gifted program, middle school was a nightmare. It didn't prepare us for the real world. I hated it for that."

"Fuck the real world," said Carol.

"I'll drink to that," said Ashley. They all raised their glasses.

"Fuck the real world," they yelled in unison. After they chugged down the last of their drinks Carol lit another cigarette. The limo driver turned around in his seat and raised his finger. "Not in here," he said over the intercom. "If you want to smoke I'll pull over and you can step out."

"What kind of dumb ass rule is that?" said Carlo.

"Company policy. I didn't make it," said the driver.

"Keep going," said Carol, dropping her cigarette in Carlo's empty cup.

The limousine pulled onto the university campus and stopped in a line of cars dropping prom goers at the student center. Couples entered the building through a castle façade made for the “Enchanted” prom theme. The hall inside was decorated like the set of Brigadoon. Jessica stumbled as she walked up the steps but Taylor caught her. She squealed and they entered the hall laughing, arm in arm. The other couples staggered into the dimly lit room to the flash of lasers and a DJ bobbing on a platform. A swarm of people on the dance floor moved to the heavy beat—scattered knots of girls dancing with each other, their dates dancing around them on the outside of the knot. More couples sat at numbered tables filling the rest of the room, shouting at each other to be heard over the music. Evan, Carlo and Carol sat down at their table while their limo companions fanned out on the dance floor.

“I need a smoke,” said Carol.

“Hold on a minute,” said Carlo. He took three empty glasses from the table and passed them to Carol. “Put these in your purse.” The three of them went outside and strolled down the campus sidewalk until they found a bench. A light breeze cooled them. “Hold the glasses,” said Carlo. He took two slim flasks from the inside pockets of his jacket and filled the glasses with equal portions from each. From his side pocket he pulled a plastic bag with strips of beef jerky cut in the shape of human stick figures. He slid one in each glass and stirred the crimson colored cocktail. “These should be shaken with ice and strained into old fashioned glasses. This will have to do.” He took one of the glasses from Evan and with his other hand struck a lighter that set the three drinks ablaze. “Napalm Sticks to Kids”. They clinked glasses and watched the flames burn blue in the night.

After finishing their spirits the three of them walked back to the prom. No one said a word. When they entered the student center the booming music and mass of kids roiling on the dance floor seemed far away.

“It’s all unreal,” said Carlo.

Susan came bouncing up to Evan and grabbed his hand. “Where were you?” she asked.

Evan’s eyes were half closed and he swayed slightly from his height above her. “Why the fuss?” he said. His speech was slow but not slurred.

“I was getting worried,” said Susan. “I thought you ran out on me.”

“I just stepped out for some fresh air,” he answered, looking slowly around the room at the balloons and crepe.

“C’mon. Dance with me.” She tugged his arm and pulled him toward her.

“No problem.” Evan followed her onto the crowded dance floor. They danced slowly, hand in hand, his arm around her waist, feeling her slight uncertain contact against him.

“Evan, do you think we’ll always remember this night?”

Evan had his eyes closed. He didn’t hear her.

When the dance ended the limo brought them all back to Carlo’s house. They changed out of prom clothes and drove their own cars to Oñate for the after-prom party. Parents had decorated the gym like a Vegas casino and were stationed everywhere, dressed in croupier costumes, handing out refreshments, supervising games.

“Can we stop acting like debutantes now?” said Carol.

A girl vomited on her shoes in the middle of the floor. Her friends helped her stagger to the bathroom. The kids gambled with fake money and sang Karaoke. By three in the morning Evan was falling asleep. Susan was having a good time with other friends and knew he was bored. When he told her he wanted to go home she was hurt but not surprised. She said okay, she’d find a ride when the party was over. Evan drove home relieved he would not have a goodnight scene with her. His mother heard him come in and got out of bed to meet him.

“I thought the after-prom went till dawn,” she said. “Is anything wrong?”

“No,” said Evan. “I’m tired, that’s all.”

“Where’s your date?”

“She’s still there.”

“You just left her? Don’t you think that was rude?”

“Sure. I must have learned my manners from you.”

“You’ve been drinking. Go to bed.”

Evan went to his room and fell asleep with his clothes on.

Carol felt claustrophobic, bored and out of place with the kids at the after-prom party. She told Carlo she had to leave. “Wait, I’ll come with you,” he said. “You want to go home?”

“No,” she said. “I want to drive.” She got behind the wheel of her Mercedes and started east toward the desert.

“Evan needs to do this,” she said, stomping her foot on the accelerator. “You understand?” They turned onto a dirt road that led toward the Organs. “Our mother has so fucked us over.”

“Don’t worry about Evan,” said Carlo. “I can handle him. He just needs a little push now and then.”

“That’s why we need you,” she said. “He listens to you.” She thought for a moment. “You’re really psycho, you know.” She turned her head to glance at him. “But you wouldn’t know it by looking at you.”

“I’m the sanest person you’ll ever meet,” said Carlo. They drove in silence for a minute. “We should have sex,” he said.

“I know,” said Carol. “We will. When this is over.”

“Why not now?” asked Carlo.

“After the prom?” Carol laughed. “That would be so pathetic.”

Burned

The time of the event was set well in advance: Thursday evening after prom weekend. First they would take care of Lucero and Scarp, then Alice and Hector. On Wednesday Evan picked up propane tanks, and they made one last video in Carlo's garage. Carol wore a black tank top and jeans with her high top sneakers. The boys dressed in black t-shirts with camouflage cargo pants and army boots. The names of their two favorite bands were emblazoned on the backs of their shirts—*Cardiac Arrest* on Evan's, *Ragnarok* in red gothic letters on Carlo's. Carlo started the camera and joined the other two seated in folding chairs.

"Showtime," said Evan. "We've been planning this for a year."

"Mom, I just want to say you're the worst," said Carol. "For the record, the minute Dad died you didn't give a shit about us."

"You never gave a shit about us," said Evan. "You just couldn't show it while he was alive."

"You were so glad he was gone. So you could run around with your fucking boyfriend…," said Carol.

"That motherfucker's going down with you," Evan whispered.

"…and spend our money on him," Carol continued, "while I have to go around begging for spare change. Thank god for Carlo. Otherwise we'd be sitting here playing with ourselves. He's about getting the job done. Carlo, tell the folks what we have in store for them."

"Well, it's pretty simple," said Carlo. "A lot of people are going to die. We can't help that. They deserve it. Maybe some more than others. I might even let some live… Not! So good-bye, Mom and Dad. You won't see me again. Tomorrow at this time I'll be gone, one way or another. I know you don't understand. That's just the way it is."

"Mom," said Evan, "you won't see us again either. But you'll be gone before we are." Evan smiled at the camera. Carol waved.

"Look on the bright side," said Carlo. "This will make people forget all about the Bowling Alley Massacre. It's our gift to Las Cruces. And one last thing. Our high school

is a joke, but Don Juan was not. I take my hat off to that dude."

Evan spent the night at Carlo's, and in the morning the boys went to school together. Evan slept through a psychology test while Carlo skipped math class to inspect the auditorium. Carol met them back at Carlo's house for lunch. They went to his bedroom to check their gear one last time: rifles and shotguns loaded and ready, clips of ammunition to fill the pockets of their cargo pants, body webbing to hold knives and pistols under their windbreakers, shotguns and a carbine that fit snugly in a duffel bag, a backpack filled with pipe bombs, crickets, and Molotov cocktails for each of them. They practiced a few last thrusts with their knives in front of a mirror before packing them away for the last time, then loaded everything except the videotapes into Carol's car and drove to Evan's house. They left the tapes neatly packed in a box on Carlo's desk. There were still three hours to kill before getting started and they knew Alice would not be home for dinner. Carlo popped a movie in the tape player and they settled in the family room. Evan went to the kitchen and returned with a bag of cookies.

"You shouldn't eat that crap, you know," said Carol. "It's just a bunch of chemicals."

"I need sugar," said Evan.

"Sugar's toxic," said Carol.

"Okay, this is my last one," said Evan. He flipped a whole cookie in his mouth and gummed it slowly. They watched the movie in silence. Evan fell asleep. Carlo was restless and went to check the backpacks one more time. The movie was half over when Carlo said, "Let's get going. I can't sit here anymore." They strapped on their webbing, loaded their pockets and packed their gear in Carol's car. It was a short drive to Lucero's office on Telshor, but they still had an hour to go.

"I'm hungry," said Carol. They went to the drive-through at Taco Bell and ate in the car as they wandered to Mesilla, around the Gadsden Museum, back through Mesilla Park and along University to Telshor. The shadows were getting long.

"It's time," said Carlo.

They pulled off the boulevard into a commercial strip, drove around the back of Lucero's office and stopped. Evan took the wheel with the car still running while Carol

and Carlo stepped out. They checked the back door of the building. It was locked. The only window on that side of the office had a thick mesh screen over it.

“Shit,” said Carol. “Let’s go around front.”

There were still several cars in the front lot. Carol strode up to the entrance door and spotted an elderly couple sitting beside a large fish tank in the waiting room. Everything was still. She went back to the car.

“The place is open,” she said. “There’s people in there.”

“So what,” said Carlo. “Do you want to do it or should I?”

Carol paused a moment and glanced back at the building. “No, I got it,” she said.

Carol took a Molotov cocktail from her backpack and put it in a small plastic shopping bag. “I’ll be right back.” She wrapped a scarf around her mouth and nose and walked up to the entrance door. The elderly couple was still seated in the waiting room. She noticed a walker parked next to them, and a receptionist on the phone behind the glass partition at the counter. Carol pulled the bottle from her shopping bag and lit the storm matches on the match strip strapped to her arm. She pushed open the door, threw the Molotov as hard as she could against the counter in front of the receptionist, and ran back to the car where Carlo held the passenger door wide open. She jumped in while Evan gunned the car before the door slammed shut.

“Yeah!” Carol shouted. “Let’s get out of here.”

They took a quick right at Fairway over to Regal Ridge, then onto Enchanted and wound through the neighborhood streets back to the Frey’s house where they pulled into the garage.

“Did you see the fire?” asked Carol.

“No, did you?” said Carlo.

“I wasn’t looking,” said Evan. “I was keeping an eye on the street. Do you want to go back?”

“Forget that,” said Carlo. “Let’s stick to the plan.”

They took their packs and bags out of the trunk and transferred them to the bed of Carlo’s pickup truck. Carlo pulled a heavy duffel bag from the truck bed.

“Where do you want this thing?” he asked.

“Follow me,” said Evan. They hauled the bag into the living room and unpacked a twenty-pound propane tank.

“Go get the gas,” said Carlo. Evan went back to the garage and got a pair of two gallon gasoline cans while Carlo rigged up a detonator with aerosol canisters and an alarm clock. They placed the gasoline cans next to the propane tank and Carlo set the timer.

“Act I, scene 2,” said Carlo. “Let’s go.”

It was twilight as they drove across Telshor again, the three of them close together in the front seat of Carlo’s pick-up with the boys on either side of Carol. “It’s still too light,” said Carlo. “I’m going to drive around a few minutes.”

“Let’s go past Lucero’s,” said Evan.

“No,” said Carlo. “It’s bad luck.”

“I knew we should have tried it out first,” said Carol.

“We did,” said Carlo.

“That was against rock,” said Carol. “We should have tried it against wood. Or glass.”

“They weren’t full were they?” asked Evan.

“Of course not,” said Carol.

“Then what’s the problem? Just relax,” said Carlo.

They wheeled down Delano to Missouri, then up Don Roser Drive toward the mall. Trucks passed them on the interstate with their running lights in full array. From Mall Drive they came to Telshor again and circled back toward John Scarp’s house.

“Let’s change places now,” said Carlo. As soon as he turned off Telshor he pulled over to the side of the street, got out and went to the other side of the truck as Carol slid into the driver’s seat. Carlo looked at the darkness settling over the town.

“This is good,” said Carlo. “Let’s do it.”

Carol turned off the headlights and they pulled to the curb by the house next to Scarp’s. Carlo and Evan stepped out to get their shotguns from the duffel bag. Evan held the guns while Carlo picked out two Molotovs from his backpack and stuffed some crickets and pipe bombs in his pockets.

“I made these special,” he said with a smile. “If the fire doesn’t get them, the smoke will.” They crouched at the side of the truck, looking up at Scarp’s front window. The light in the living room was dim and they saw shadows moving off to the side.

“Ready whenever you are,” said Evan. He held a shotgun in each hand.

“Let’s go,” said Carlo. They sprang up and raced the half dozen steps to the front of Scarp’s house. Carlo struck the match heads. As he cocked his arm back to hurl the Molotov he glimpsed Scarp’s wife walk into the living room holding their baby. He threw the bomb hard against the plate glass window, and a ball of fire exploded across the front of the house. Evan tossed him his shotgun and both boys fired blasts through the flames into the room on the other side. Then Carlo handed his shotgun back to Evan. “Go,” he yelled. As Evan raced away, Carlo heaved the second Molotov through the window and saw another fireball erupt inside. He ran back to the truck and Carol took off.

“No doubt about those motherfuckers,” said Carlo. Evan gave him a fist bump as they sped north toward Oñate. “Stay off the highway,” he said.

The receptionist in Lucero’s office was startled by a loud thump on the counter directly in front of her. She shot up from her chair and saw a faint trail of smoke rising from a pop bottle rolling on the floor. She scrambled through the door to the waiting area and picked it up—a Mountain Dew bottle three quarters full of gasoline with burned out match heads taped to the outside. The elderly couple hadn’t moved or said a word.

“Did you see anything?” asked the receptionist.

“I think somebody threw that from the door,” said the woman. Her husband nodded.

The receptionist asked if they saw who it was.

“No,” said the woman. “I wasn’t looking. When I did there was nobody there.” Her husband shook his head. “Didn’t see anybody,” he added. “Kids or something.”

The receptionist marched to the back of the office suite. “I need to see Dr. Lucero,” she said to his nurse.

The nurse looked at the Molotov cocktail. “What’s that?” she asked.

“I don’t know,” said the receptionist. “Somebody just threw it in the door. Kids or something. I need to ask Dr. Lucero what to do.”

“He’s in with a patient,” said the nurse. “I’m not sure when he’ll be done.”

“I think I need to ask him now.”

“Then you knock on the door,” said the nurse. “I’m not going to bother him.”

The receptionist knocked softly and waited a minute. There was no answer. She knocked again louder. This time Lucero jerked the door open. He was wearing scrubs and a pair of exam gloves. “Can’t you see I’m with a patient?” he hissed. “This better be important.” The receptionist could see a curtain drawn in front of the exam table. She showed him the bottle.

“Somebody threw this in the waiting room,” she said.

Lucero scowled as she held up the Molotov cocktail.

“A Mountain Dew bottle?”

“I think it’s some kind of bomb.”

Lucero looked closer and this time the bottle caught his attention. He examined the burnt out match heads. He pulled the stopper and smelled the gasoline. “Yeah, maybe it is,” he snapped. “Go call the police.” He shook his head in disgust and slammed the examining room door shut. The receptionist called the police. Two cops arrived while Lucero was still with his last patient. The receptionist handed them the bottle.

“I’ll be darned,” said one of the officers. “A Molotov cocktail.”

“A totally illegal incendiary device,” said the other officer, looking up from the bottle to the receptionist. “Better tell us what happened. We need to report this.”

As she began to tell her story a call came through their radio. A house on Crestview was on fire.

“We got to go,” said the first officer. “But someone will be back. This needs to be investigated.”

“It’s an illegal device,” repeated the second officer.

The policemen returned to their squad car and made the short trip to Crestview in less than a minute with their siren blaring. Fire engines were just arriving in front of a small ranch house with flames shooting from the front window and roof. Neighbors

gathered in a semicircle around a fat bald man and gawked at the blaze. On the sidewalk, paramedics attended a young woman and her baby.

"Do we have any witnesses here? Did anybody see anything?" asked one of the cops as he pushed through the onlookers.

"It's his house," said a neighbor, pointing to Scarp.

"Excuse me, sir," said the cop. "Is this your house?"

Scarp stared blankly at the policeman and nodded.

"What happened here?"

Scarp shook his head. "You tell me. I was in the kitchen and then there was this big flash. A big fireball. My wife screamed. She comes running from the living room with the baby. Then we hear gunshots and the house filled up with smoke. We got out the back door and saw another flash. But you can ask her, she's right over there." He pointed to his wife with the paramedics.

"Excuse me, ma'am," said the cop. He turned to the paramedics. "Okay if I take a statement?" he asked.

"Sure," said the paramedic. "She's alright." The paramedic's partner was still checking the baby.

"Is he okay?" asked the second cop, pointing to the infant.

"Yeah," said Scarp's wife. "But he might have got scared to death."

"You were in the house when it caught fire?" asked the cop.

"Caught fire?" she said. "You mean when it was torched. It was an explosion."

"So tell us what happened."

"I was in the kitchen with my husband. We just finished dinner and I was going to the bedroom to change the baby. I hear something crash in the front window and the next thing you know the front of the house is on fire. I run back to the kitchen and hear some pops, like gunshots. Loud gunshots. They knocked out more glass and things were flying all over. It was crazy. We just ran out to the backyard and now the whole house is on fire, roof and everything."

"Did you see anyone? Anyone outside."

"No."

"Do you know anyone who might want to do something like this?"

“Who’s crazy enough to do something like this?”

The second cop tapped his partner’s shoulder, thinking of the Molotov in their squad car.

Carol, Evan, and Carlo made their way north on Bataan Memorial Highway. Carol drove as carefully as she could, checking the speedometer every few seconds to be sure she was under the speed limit. It seemed like they were hardly moving. To their left trucks raced ahead of them on Route 70 toward the San Augustin pass. Carlo and Evan looked to their right to see if they could spot a blaze in the direction of Majestic Ridge.

“Anything?” asked Carol.

“Not sure,” said Carlo.

“It’s hard to tell,” said Evan.

At Mesa Grande Drive they turned right to the high school. The Oñate High sign announced, ‘Thursday, April 30: Cuarto Centennial Program. Oñate High School Auditorium’, an event to commemorate Oñate’s act of possession of the lands of New Mexico at the Paso del Norte. They parked off Mesa Grande Drive away from the school lights, just outside the entrance to student parking. If things went according to plan there would be panic in the parking lot. They didn’t want their escape route blocked.

“Looks pretty quiet,” said Evan.

“It’s not time for intermission yet. Go check it out. We’ll wait here,” said Carlo.

Carol lit a cigarette and slid down in the driver’s seat. “This is going to be so awesome,” she said.

“Better than awesome,” said Carlo. “We’re making history. I hate waiting.” He jumped out of the truck and went to check the gear again, reloaded the shotguns and leaned against the tailgate. In the distance behind the school the jagged teeth of the Organs were silhouetted behind a half moon. The sound of traffic carried far across the desert. A moment later Evan came trotting toward them.

“Intermission,” Evan called in a stage whisper. “They’re coming out to the lobby now. I saw my mother’s car. And Hector’s.”

“Perfect,” said Carlo. “Let’s go.” He banged on the back of the cab. When Carol came out he told her, “Keep an eye on the stuff. We’ll be back in ten minutes.” The boys each shouldered a duffel bag and set out for the school. They marched across the parking lot and entered the building by the vestibule on the south side. The audience was filing into the lobby to their left. As they hurried straight ahead toward the corridor that went alongside the auditorium someone hailed them. Evan turned to see Tyler, their prom friend, waving at them as he ambled over.

“Hey guys,” said Tyler.

“Hey Tyler,” said Carlo.

“You just get here?” said Tyler.

“Yeah. We’re just dropping some stuff off,” said Carlo.

“Oh. Cool.”

“How’s the show?” said Carlo.

“Okay, I guess,” said Tyler. “Not really my thing. Spaniards baptizing Indians or something.”

“Roger that,” said Evan.

“If I were you Tyler, I wouldn’t stick around for the second half,” said Carlo.

“I’m just here ‘cause of Jessica. Anyway, the show choir sounds great,” said Tyler, turning to Evan. He thought Evan came to see Susan. “You should check it out.”

“Sure,” said Evan. “Maybe we will. Thanks, man.” He picked up his duffel bag and started walking down the corridor. “See you.” Tyler shrugged and slipped back to the lobby as Carlo followed Evan. They moved along the auditorium wall until they passed the stage entrance, then put down their loads. The corridor was empty. They could hear muffled conversations echoing in the auditorium on the other side of the door. The boys knelt down and unzipped the duffel bags. Inside each was a gallon can of gasoline, another twenty-pound propane tank, two aerosol cans and an alarm clock. Evan kept watch while Carlo set the clocks and re-zipped the bags. “OK. Let’s go,” he whispered. He motioned to the door with his chin and Evan opened it. They entered the auditorium below the left side of a stage decorated with the American, Spanish, Mexican, and New Mexican flags, carrying the duffel bags down a short stairway. People were milling in the aisles in small groups. Carlo went to the other side of the

room and they set the bags against the wall at either side of the orchestra pit. The boys met back in the corridor as the house lights blinked to signal the start of the second half.

As the audience gradually took their seats, the boys hurried down the corridor alongside the auditorium, out of the building and across the parking lot where Carol waited in the truck. She had the gear ready to go. The boys put the shotguns in their cargo pockets and loaded their hip pockets with bombs. Carol loaded a clip in her Tec-9 and unfastened the safety. The boys did the same with their carbine and pistol. Carlo called them together.

"Let's go over the hand signals real quick," he said. "Target sighted." Carol held her arm out, pointing with her index finger.

"Cops." Evan waved his open hand.

"Bombs away." Evan raised his fist.

"Take hostage." Evan ran his finger across his throat.

"To the truck." Carol waved her raised arm in a circle.

"Okay, Evan. You lead," said Carlo.

They trudged across the parking lot single file, each wearing a backpack. On the other side of the lot Carlo waved a hand signal and they split up to cover the exits. Inside the school the lobby lights blinked and the last stragglers drifted back to the auditorium. Evan took cover behind a car, but Carlo could see Carol's cigarette burning to his left. They waited. The lobby emptied and they heard music begin with a brass fanfare. Carlo checked his watch. The music stopped and he could hear the faint sound of someone addressing the audience over the sound system. He waited another minute and then ran to Carol.

"C'mon," he said. "Something's wrong." They jogged to the other side and found Evan.

"What the fuck," said Evan. "What happened?"

"I don't know," said Carlo. "They should have gone off."

"Great," said Carol. "Now what?"

"No problem," said Carlo. "We improvise. C'mon."

They followed Carlo into the vestibule again. The lobby was empty save for two

people on their cell phones. They kept going down the corridor to the door leading to the front of the auditorium where they went to plant the bombs.

"You said they'd be in the middle, right?" said Carlo.

"In the middle, three or four rows down," Evan answered.

"They're all yours," Carlo told Evan.

"I guess so," said Evan.

"I've been waiting so long for this," said Carol. "Give her the whole freaking clip."

"Ready?" said Carlo. Evan and Carol looked at him and nodded. "Let's start things off with a bang." He pulled a pipe bomb from his pocket. On the other side of the door they heard clapping and the trumpet of a mariachi band.

"Wait," said Evan. "Let me take a look first. I want to get this right." He slid through the door facing the side of the auditorium across from the orchestra pit and scanned the front rows of the audience. A moment later he slid back out.

"Hector's there," he whispered. "But I don't see my mother."

"What do you mean?" Carol whispered back. "You said they'd be together."

"I know," said Evan. "They should be. Her seat is empty."

"What the fuck, Evan," said Carlo. "Are you going to shoot or not?"

"She's not there," said Evan.

"I don't give a shit," said Carlo. "Shoot them all. We have to get this thing going. Now." Carlo turned and banged open the door that led to the left of the orchestra pit as he lit a pipe bomb taped with nails and BB's. Glancing up he caught the startled look of Mr. Lerer standing on the side of the stage dressed as a musketeer. Carlo rolled the bomb toward a group of musicians in the period costumes of Spanish settlers and sprang back to the hallway as fast as he could. It exploded magnificently with a blast that shook the wall. He heard shrieks and the music came to a ragged halt as the fire alarm sounded. Water spurted from the sprinkler system in the ceiling. He lit another pipe bomb and ran into the auditorium. As he cocked his arm to throw it at the audience, it exploded in his hand at the moment of release. He turned back to Carol with a look of astonishment. His right hand was gone. A great stream of blood spurted onto the floor from the bloody stump. His face was scorched and blackened. His right

eye hung from its mangled socket. Carol ran to meet him as he stumbled toward her. He fell into her arms and she hugged him hard to keep him from falling.

“I don’t feel so good,” he said. He started shivering violently. She could hardly hear him over the shriek of the fire alarm. Blood washed down her jeans with the water from the sprinklers.

“Evan,” she yelled. “Get Carlo out of here. I’m going after them.” Evan stepped behind Carlo and held him up by his armpits while Carol freed herself from his dead weight. He dragged Carlo back to the corridor as water streamed down and soaked them. Carol pulled out her Tec-9, plunging through the door onto a platform four feet above the floor of the auditorium. As many people stood gawking in amazement as were streaming for the exits. She dropped against the wall away from the spray of the sprinklers and pulled a Molotov from her backpack. Choosing her target quickly, she walked to the orchestra pit, bent over to shield the match heads from the falling water, lit them and threw the bottle straight down onto the floor of the pit. A fireball shot up, setting the last of the fleeing musicians on fire. She raced down the steps with her pistol drawn. Ahead of her, students and parents were lying on the floor, knocked down in the general panic. She stepped over them as others pushed to get out of her way or ducked down behind seats. The exits were jammed with people jostling and pushing each other. It seemed as if no one was moving. Then she spotted Hector stuck behind a wall of people shoving each other at the end of his row.

“Where is she?” she shouted. He kept pushing the people in front of him. She fired into the air. “Where the fuck is my mother?” she yelled.

He turned, mute, and looked at her blankly.

“My mother!” Carol screamed.

Hector pointed to the other end of the auditorium. “She went to the bathroom,” he said.

“Great,” said Carol. She pulled the trigger and shot him in the right shoulder, through his right eye, and then his groin. Her eyes burned. She ran back to where she left Evan and Carlo, slipping and catching herself on the wet floor as she made her way through a cloud of smoke from the fire in the orchestra pit. She found a trail of blood in the hallway that lead to Carlo lying face up on the floor near the entrance to the lobby.

Evan crouched over him with his pistol raised. She heard pops as he shot into the vestibule and shattered the glass doors while she slid along the corridor holding her gun with both hands.

"Too many people," said Evan.

"No problem," said Carol. She stepped forward and turned the corner by the ticket booth. People were streaming into the lobby by the main entrance to the auditorium. When they saw her with the Tec-9, wringing wet and blood-soaked, the nearest ones fled and pressed their way to the building exit opposite. She threw a pipe bomb and then another Molotov. The end of the lobby burst into flames.

"Go, go, go!" she shouted to Evan.

"I think Carlo's dead," he said.

"Then leave him. Let's get out of here."

They ran through the vestibule to the parking lot, firing sporadically at people fleeing to their cars as they made their way down the rows.

"Keep going," said Evan. "I'll meet you at the truck." He veered off, crouching and firing until he came to his mother's Volvo. He reloaded a clip in his pistol and blasted the length of the vehicle. When he turned to run he saw his mother at the far end of the row. She moved ponderously and for an instant he could see her rounded belly in dark silhouette. He dropped the spent clip and reloaded again in a quick fluid motion, running toward her as she retreated, firing as he went. From his left a bullet slammed into the car next to him and he felt a hot sting in his arm. Someone was returning fire. His arm went numb and weak. He saw his mother disappear into the throng at the exit and retreated toward the truck, shooting in the direction where he had taken fire. Carol had the engine running when he got there.

"Wait a minute," she said as Evan climbed in the cab, his shattered arm dripping blood. She stepped out, lit one last Molotov and, grunting loud, heaved it toward the parking lot. It hit the asphalt with a dull clunk and rolled under a car where it lay still until the match heads burned out. The sound of sirens grew louder. They saw police cars, ambulances, fire trucks speeding down Route 70 and Bataan Drive. Carol jerked the truck out of the parking lot with its headlights off, eased down Mesa Grand to Mesa Rico, and turned to the exit from Mesa Grande Estates back to Bataan. At the stop

sign they waited for a fire truck to race by. Ahead on Bataan they could see emergency vehicles exiting Route 70. Farther ahead, a long line of cars choked the intersection where Mesa Grande ran to the high school. Police cars, their lights swirling everywhere, surrounded the intersection. Cops were out directing traffic with flashlights, more cars streamed from Oñate. Carol and Evan sat covered in blood, clothes soaked and reeking of smoke.

"I think we're fucked," said Evan.

"No, we're not," said Carol as they approached the exit from Route 70. She pulled into the left lane and swerved further left across the divider, barely missing an ambulance that passed in front of them. They bumped over the second divider past the exit lane into a gap in traffic on the highway as she floored the accelerator to get to highway speed. They kept going past Porter Road.

"Turn around at the next exit," said Evan. Carol kept her eyes on the road. When they sailed past Cesar Chavez Elementary, he yelled out, "What are you doing? Mexico's the other way."

"I know," said Carol. "We're not going to Mexico."

"What about the plan?" said Evan.

"There is no plan," said Carol.

They kept going toward the Organs, up the long slope to the San Augustin Pass, into the Tularosa basin toward the White Sands.

How Could This Happen Here?

An ambulance took Alice Frey to the emergency room at Memorial Medical Center. A thorough exam showed she was uninjured and her pregnancy intact. She was released late that night after giving a statement to the police. When she got home she found her house cordoned off with yellow ribbon. From the driveway she could see people inside searching the rooms. A policewoman stationed at the front door told her she couldn't enter because the house was declared a crime scene. Alice had a key to Hector's house and went there for the night. She was not surprised when she learned the police found a propane tank in her living room.

The next morning the Las Cruces Sun-News reported two people killed in the Quarto Centennial Day mayhem—an Oñate High assistant principal and an Oñate senior who was one of the attackers. A special editorial asked how such a tragedy could take place in Las Cruces. Four student musicians and a teacher in the pageant suffered third degree burns and were air-lifted to El Paso. Two of them needed large skin grafts and reconstructive surgery. Five people had shrapnel wounds; one lost an eye. A few members of the audience broke wrists and ankles when they were knocked down and trampled in the auditorium. One man suffered a heart attack in the lobby. John Scarp's home had to be razed and rebuilt. The high school was closed for the rest of the school year, holding graduation at the university. Las Cruces High and Mayfield hosted vigils for the Oñate students and their families. Church attendance in Doña Ana County doubled the next few weeks. The Chamber of Commerce could see Las Cruces' rating as a retirement community plummet, just when it had finally recovered from the bowling alley massacre. This time suspects were arrested and brought to trial. Carlo's mother, father, and brother were the only ones at his burial. Their minister refused to come.

The parties injured in the attack sued Alice Frey, Felix and Helen Pipes, the Las Cruces public schools, the police department, the dealers and manufacturers of the attackers' guns, and the pharmaceutical companies that made Carol Frey's medication. Alice sued the police department for failing to investigate Carlo's death threats on his

web site. The Frey's and Pipes' homeowners insurance policies covered injuries caused by their children and eventually paid out a total of $840,000. Alice was the beneficiary of Hector Apodaca's two life insurance policies. She took back her maiden name Hallgerth and sold the house on Majestic Ridge for a sizable gain. Two months after her delivery, Alice left the baby with her parents in Albuquerque and traveled for a year before settling down in Santa Barbara, California. Three years later she married an orthopedic surgeon fourteen years her senior. She moved into his Spanish style estate with magnificent views of the ocean and the mountains. Alice didn't attend her children's trials. The Pipes never left Las Cruces.

Evan and Carol Frey were tried separately for their roles in the Cuarto Centennial Day assault. Carol stood trial first for the murder of Hector Apodaca. The district attorney prosecuting her was a young lawyer named Irma Saenz. Saenz came from an old Mesilla family that owned large stretches of pecan orchards along the river. She was a shrewd woman with political ambitions who dyed her hair red and teased up her bangs. At first Carol Frey was assigned an attorney from the public defender's office, but an Albuquerque lawyer offered to take the case pro bono. The lawyer, Harold Pearson, had a successful practice defending white-collar criminals and drug dealers, and was notorious for seeking headlines. He was born and raised in Atlanta, but had a natural cowboy look that he exaggerated with a straw Stetson and string tie. Carol accepted his offer. His first action was to file a pretrial motion stating his intent to assert the insanity defense and introduce expert evidence. The court ordered Carol to undergo a thorough psychiatric examination and a battery of psychological tests. She was found competent to stand trial.

The trial started in a courtroom crowded with victims and their families, reporters from the local press, El Paso and Albuquerque papers, and outraged citizens. The prosecution presented eyewitnesses and security video from the high school to show that Carol's behavior appeared calm and rational. The district attorney's trump card was the garage tapes. After they were introduced as evidence and played for the jury, Saenz highlighted one of Carol's sentences. 'If things work out, we'll see you in Mexico.'

"Does that sound like a person who does not know she's committing a crime?"

asked Saenz. “Does that sound like a person who does not know the consequences of her actions?”

Pearson asked just one question. “Who is running the camera?”

The court-appointed forensic psychiatrists took the stand in turn, inundating the jury with talk of Axis I, Axis II, and DSM-IV, but were unable to agree on Carol’s exact diagnosis. Despite their quibbling, they managed to convey the idea that she was a troubled and confused young woman who still knew what she was doing. On cross-examination, Pearson asked the first psychiatrist, “At the time of the shooting, Carol Frey was taking four medications for her psychiatric problems. Is that correct?”

The psychiatrist agreed.

“And what are the potential side effects of these medications, doctor?”

“There’s a long list,” said the psychiatrist. “Some more serious than others. Where would you like me to start?”

“Why don’t I just read some and you tell me if I’m right. Is that okay, your honor?” The judge nodded. “Let’s see.” Pearson took a sheet of paper from his notes. “Hallucinations, psychosis, nervousness, emotional lability.” He paused and looked at the jury. “Mania, depression, suicidality, confusion, irritability, seizures, and fainting. How’s that for starters?”

“Yes, but those are uncommon,” said the psychiatrist.

“Maybe if you’re taking just one drug,” said Pearson. “What happens if you take all four together?”

“It’s hard to say,” said the psychiatrist. “Everyone’s different. The question is whether they help the patient or not.”

“Well, doctor,” said Pearson, “do you think they helped her?” Saenz objected and Pearson withdrew the question. “Then let me ask you this. Do you know of any studies that examined the effects of these four drugs taken together?”

“No, I do not,” said the psychiatrist. “I doubt there are any.”

“So do I,” said Pearson. “I looked and I sure couldn’t find one. Thank you, doctor. That’s all the questions I have for now.”

When the prosecution finished presenting its case Pearson called his expert witness to the stand, Dr. Jordan Gould, a forensic psychiatrist from the University of

Chicago, and established his credentials.

"You've examined Carol Frey?" asked Pearson.

"Yes, on several occasions," said Gould.

"And you've examined her medical records?"

"Yes, I have. Thoroughly."

"So you have a pretty good idea what's wrong with her?"

"Yes, I think I do."

"Then please tell the court what that is."

"Basically two things," said the psychiatrist. "Major depression and borderline personality. She also has some obsessive-compulsive traits."

"And could any of those conditions affect her grip on reality?" asked Pearson.

"Certainly," said Dr. Gould. "Her thinking could be quite disordered. It could take on psychotic features. Her view of relationships is quite distorted."

"How so?"

"She tends to see people in extremes—either extremely good or extremely bad. If she thinks you're going to meet her needs, you're wonderful. If not, you're her enemy. There's nothing in between. And it's hard to meet her needs."

"In which category were her mother and Hector Apodaca?"

"The enemy, obviously."

"And Carlo Pipes?"

"Her savior."

"Did she ever say that Hector Apodaca made sexual advances toward her?"

"She said she didn't like the way he looked at her. And she didn't like the way he walked around the house in his underwear. But she never said anything about physical contact."

Pearson's last witness was Evan Frey. He was brought from jail in an orange jumpsuit and handcuffs, his head shaved, staring at the floor as he took his oath.

"Carlo Pipes was your best friend," said Pearson. "Is that a fair statement?"

"I guess so," said Evan.

"He took your sister to the prom?"

"Yeah. We went together."

“Was your sister in love with Carlo?”

“I don’t know. She liked him. I guess she thought he was cool.”

“Did your sister ever tell you she was concerned about sexual advances from Hector Apodaca?”

“Yes.”

“Did she tell anyone else?”

“Yes. Our mother. And Carlo.”

“What did your mother do?”

“She didn’t believe her.”

“What did Carlo do?”

“He said Hector was going to pay.”

“One last question,” said Pearson. “In the original plan, weren’t you the one who was supposed to shoot Hector and your mother?”

“I don’t think I have to answer that,” said Evan. He looked up at the judge. “Do I?”

“No, you don’t,” said the judge.

“Didn’t you get confused and hesitate when Carlo blew himself up and you couldn’t find your mother in the auditorium?”

Saenz objected and Pearson withdrew the question.

On cross-examination Saenz asked if he had ever witnessed Hector make sexual advances toward his sister.

“No,” said Evan. “Not really.”

“How could this happen here?” said the district attorney, loosely quoting the newspaper as she faced the jury in her closing arguments. “How could this happen in Las Cruces, of all places? We have to admit the painful truth that our town is not a peaceful oasis. The violence in our society has reached us here. It’s not confined to places like New York and Los Angeles. We are not immune. The time has come when violence and murder can happen in God-fearing communities like ours, too. Even in our schools. It can happen, as we have seen, in good families as well as bad. What’s to blame? TV? Movies? Computer games? Song lyrics? Maybe. But they do not explain

what happened at Oñate High that night." She paused a moment, pacing thoughtfully before the jury stand before continuing.

"Members of the jury, there is no doubt that Carol Frey killed Hector Apodaca. She deliberately gunned him down in the middle of a crowded auditorium. She showed wanton disregard for the lives of people around him. Spraying bullets, throwing bombs. It's pure luck she didn't kill anyone else. The facts are clear. She doesn't deny them, and she has no remorse. So what is the problem? Simply put, the defense claims that at the time of the assault she did not know what she was doing. That she was overcome by an irresistible impulse. Yes, she was depressed. That's not so strange. How many young people are depressed from time to time? Or older people, for that matter? Some children are unfortunate enough to lose a parent at an early age. People's marriages fail. But they don't go on homicidal rampages. On premeditated homicidal rampages. And why did she? Because Carol Frey is a spoiled, angry, bitter young woman. Angry enough to kill her stepfather. Bitter enough to kill her mother. The defense claimed she was under the control of Carlo Pipes. That he was some kind of teenage Svengali. I say she was the more clever of the two. She sized him up. She egged him on. When she saw that Carlo Pipes would kill for her, she used Carlo Pipes for her own plans. The defense claims that Carol Frey has a thought disorder. But the facts show she helped plan and execute a complicated attack. The defense claims she was afraid of Hector Apodaca's advances, but she is an adult woman, not a child. Hector Apodaca never forced himself on her. How afraid could she be? Carol Frey may be insane. No one in their right mind attacks an auditorium full of innocent people. But she knew what she was doing. And that makes her guilty under the law."

When it was time for his summary, Pearson straightened his string tie and thrust his hands deep in his trouser pockets. He walked slowly to the jury box where he laid his hands on the rail. "Carol Frey shot and killed Hector Apodaca," he began. "That is a terrible thing. He was a respected educator. He will be missed. But the question before us is this: could Carol Frey understand the nature of her actions at the time of the shooting? We have heard some confusing testimony. That's not so strange. Experts disagree. What we do know is that Carol Frey was a disturbed young woman with a very warped mind. So warped she finally lost touch with reality. She was being treated

with a cocktail of drugs, each of which has potential side effects so serious they could distort her thinking, and which in combination have effects no one can predict. She was in another world. Through the fog of her mental illness she saw Hector Apodaca not as another human being, but as her tormenter. She was afraid of his sexual advances. Whether they were real or not, in her mind she was in danger. The prosecution says she cold-bloodedly planned this attack. Wait a minute. The facts point to Carlo Pipes as the mastermind here. Carlo Pipes was a skillful manipulator, a little charmer, a psychopath. Carol, as Dr. Gould testified, saw him as her savior. I think she was in love with him. And in Carlo's plan, Carol was not even the one who was supposed to kill Hector. I submit to you this is what really happened to Carol Frey that terrible evening. When she saw Carlo mangled by the bomb that exploded in his hand, when she saw her brother hesitate to do away with her tormenter, she lost her last shred of sanity if she even had one. She was overcome by an irresistible urge, compelled by something beyond the control of her disordered mind, to kill Hector Apodaca. At that moment she had no idea what she was doing. She had no concept of right or wrong. I sympathize with anyone who is horrified by what she did. I am horrified by what she did. But according to the law, she is not guilty by reason of insanity."

In his instructions to the jury, the judge gave a detailed explanation of the insanity defense. He told them they also had the option of finding her guilty, but mentally ill. After two days of deliberation the foreman told the judge they could not agree on the meaning of the law, let alone a verdict. The judge repeated his instructions and ordered them to continue. Three days later the jury returned to the courtroom. An exhausted foreman told the judge they were deadlocked, with no hope of reaching a verdict. The judge dismissed them. As he declared a mistrial the courtroom erupted in shouts of protest, shrieks of disbelief, tears, catcalls, and a chorus of boos. Bailiffs had to restrain two people from rushing the jury box. It took the judge fifteen minutes to gavel silence in the room. Carol Frey was remanded to the Doña Ana County jail to await the prosecutor's decision on a retrial. For weeks the Sun-News was bombarded with letters from outraged citizens denouncing the hung jury as a civic disgrace. Emails promised vigilante justice. The jurors received death threats and were shunned by their

neighbors.

Evan Frey was charged with accessory to murder, attempted murder, conspiracy to commit murder, arson, aggravated assault, unlawful carrying of a firearm on school premises, unlawful carrying of a deadly weapon, and possession of an explosive device. Harold Pearson received his own death threats and had no interest in returning to Las Cruces. The court named an attorney from the public defender's office to represent Evan. Irma Saenz again led the prosecution. She entered into evidence the boys' videotapes and Evan's diary. The diary and the video of Evan and Carlo scouting their targets in Carlo's truck made a profound impression on the jury. The public defender was a young but able attorney. She argued that Evan, too, was under the control of Carlo Pipes. That Evan's threats on the videotape were play-acting and adolescent bravado, and the guns and bombs just an attempt to provide realism for a school video project. There was no evidence, she said, that Evan actually shot anyone at the school on the evening of the assault, or that he actually threw any bombs. No witnesses could identify him as the person who fired at his mother in the school parking lot. She also moved to dismiss the accessory to murder charge, arguing that Evan could not have committed a crime when the person charged with the murder had not been found guilty. The judge denied the motion. The jury spent three days reviewing videotapes and other testimony. When they returned to the courtroom the foreman announced they were hung on the charge of attempted murder. They found him guilty on all other charges. The judge sentenced him to two concurrent life sentences, plus twenty-four years, to be served in the Southern New Mexico Correctional Facility.

Don Juan

Seven years after the royal court in Mexico City found him guilty of crimes in the kingdom of New Mexico, Don Juan de Oñate sailed to Spain intent on clearing his name. At first the new monarch refused to hear his petition. Oñate settled into life in Madrid, using the fortune from his silver mines to cultivate the support of powerful courtiers while he enjoyed the pleasures of the capital. The king eventually relented and allowed him to plead his case. Philip IV upheld Oñate's lifelong banishment from New Mexico, but reimbursed him six thousand ducats for the fine that was levied against him in Mexico. The Council of the Indies emphatically denied his request for the title of Marquis, and denied his heirs the right to the title of Adelantado in perpetuity, restricting the title of Adelantado to one heir only. Oñate's son died at the age of twenty-two, but not before he had a son named Juan after his grandfather. The young king became more conciliatory when he realized Don Juan could be of use. Silver output was declining in New Spain, and mines in the home country had been neglected. The empire was falling further in debt from its wars in Germany. He appointed Oñate royal inspector of mines—a prestigious if unpaid position—to increase production, and Oñate was flattered. Don Juan promptly toured the kingdom. After making a detailed report to the king, he was inducted into the Military Order of Santiago. He then embarked on a second tour, overjoyed by this new honor. On his way from Cartagena to inspect the flooded silver mines in Guadalcanal he came down with fever. After lying in bed for weeks, he sat up one day and struggled to get to his feet.

"Don Juan, please," said his secretary. "Let me help you." The secretary took Oñate's arm and put it around his neck for support. They lurched toward the middle of the room where he eased Oñate into a chair. Only a few days earlier the secretary had helped Don Juan write his will. He named his grandson heir to the title of Adelantado.

"I'm better," said Oñate. "I should get to the mines."

Three days later Oñate shuffled into a mineshaft with the help of a cane in each hand. The Guadalcanal mine supervisor and a large entourage followed behind. Don Juan seemed in good spirits. The air was stale and suffocating, but he felt at home

there. It could have been one of his family's mines in Zacatecas.

"You can't tell the New World from the Old down here," said Oñate, turning to the supervisor. "Mother earth looks pretty much the same."

"I wouldn't know, sir," said the supervisor. "I've never been to America."

"God, this place is a mess," said Oñate. He stopped and leaned against the wall to catch his breath. "With some work it might still produce. I'll put it all in my report to the king."

"Yes, inspector," said the supervisor. "We'll be happy to do whatever you recommend. But please tell His Majesty we need the necessary resources."

Don Juan did not hear him. After resting a moment, he continued down the tunnel. Torches lining the walls gave off an oily light. He felt the moist rock with his fingertips and breathed deeply in the smoky air. He was thinking about silver and conquest and revenge on his enemies in New Mexico when he collapsed in the mud and died.

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