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## Slap Leather

In American popular culture there may be no more enduring character than the western gunfighter. Popularized in dime novels, glamorized in Hollywood films, and serialized on television, his image is nearly synonymous with the frontier itself. Often a hero, sometimes a villain or outlaw (not at all the same thing), and lately an enigma or cynic, he is always quick on the draw—ready to stand his ground and shoot it out.

The gun duel has its own legendary structure. Armed men face each other on a dusty street, weapons holstered but trigger fingers taut. They stand ready, hands poised, each waiting for the other to make the first move. One of the combatants, usually a bad guy, reaches for his gun, sometimes shouting a taunt or challenge: “Slap leather.” Then the firing begins, ending only when someone lies bleeding on the ground. The winner, either hero or antihero, walks slowly and quietly away. His work is done.

There is seldom, if ever, an aftermath to a fictional gunfight. No posse, no arrest, certainly neither a trial nor imprisonment. If the sheriff so much as arrives on the scene, the bystanders quickly assure him that it was a “fair fight” or perhaps “self-defense,” which is sufficient to conclude the investigation.

The myth of the gunfight depends wholly on its form. When armed men openly confront each other, it is their business and only their business. As long as there is no sneaky ambush or ganging up, the larger community will remain more or less uninvolved. There will be no postmortem talk of

prosecution, of police brutality, or even of protecting innocent bystanders from stray bullets. The bad guys smirk at the law's impotence, while lawmen (and their vigilante counterparts) revel in the cheers of the crowd.

The reality was sharply different. There were many murders and shoot-outs in the days of the Wild West, from the end of the Civil War until about 1890, but they were far from "the quick-draw duels in the street that form the climax of so many movies."<sup>1</sup> In fact, most shootings were committed in the course of robberies or during drunken brawls, with no hint of mannered choreography.

Lawmen in particular were unlikely to keep their guns holstered when facing armed criminals. It made far more sense—for both law enforcement and self-preservation—to approach the bad guys from behind or, failing that, with a maximum show of force. It could be nearly suicidal to wait for an adversary to draw first—far better either to knock him to the ground or intimidate him into surrendering.

And even standing face to face, it was virtually impossible to "slap leather." The quick-draw holster, invented in Hollywood as a movie prop, would have been worse than useless in real life because there could be no good way to keep a gun from falling out while walking or riding. In fact, men carried their pistols in their waistbands or their pockets, only occasionally wearing gunbelts (which were often equipped with straps to keep the weapons firmly in place). When it came to gunfights, displaying your weapon was the first move, not the last, of anyone who was seriously interested in surviving.

Also contrary to cinematic imagery, the Old West was not devoid of law and order. Along with settlement came social institutions such as churches, schools, and businesses, all of which required law enforcement. Most towns were run by business elites, who quickly enacted gun-control ordinances and established local police forces, some of which—as in Dodge City, Kansas—became well-known for their efficiency and professionalism. Consequently, shootings did not go unnoticed, and real-life murderers did not flaunt notches on their guns. Outlaws were apprehended, arrests were made, trials were held. Even famous figures such as Wild Bill Hickok and Wyatt Earp were charged with crimes following shoot-outs, though the courts in both cases proved keenly sympathetic to claims of self-defense.

Frontier policing was a distinct art, largely perfected in the Kansas cowtowns where rowdy Texas trailhands tended to get drunk and sometimes violent after weeks spent herding cattle north to railheads. The Texans weren't outlaws but they were armed and dangerous, and their carousing often involved serious damage to life and property. Town marshals faced a dilemma in places like Dodge City, Abilene, and Wichita. Texas drovers were the primary source of crime, but they were also the main source of income for the local saloons, gambling parlors, and dance halls. As Allen Barra points out, local business interests expected the constabulary to keep the Texans under control, but could not afford to see them driven away. Too much violence in law enforcement, especially gunplay, was bad for commerce, but too little law enforcement might lead to vigilantism, which could pose an even greater threat to a town's economic lifeblood. The compromise solution was frequently for the law officer to use his pistol as a club, rather than a shooting iron, isolating the leader in any group of troublemakers and "buffaloing" him across the head before he could do any substantial damage. Drunken cowhands might shoot at the moon, street lamps, or each other, but they had relatively few armed confrontations with lawmen, and almost none that involved quick-draw artistry.

In the entire history of the Wild West, perhaps the most famous "slap leather" gun battle occurred when the Earp brothers—Virgil, Wyatt, and Morgan—along with Doc Holliday encountered the Clanton and McLaury brothers in Tombstone, Arizona, on October 26, 1881. The basic outline of the story is well known, although subsequent pulp fiction exaggerated the role of Wyatt Earp at the expense of his older brother Virgil, who was actually in charge that day.

The trouble began in the late evening of October 25, when Ike Clanton and Tom McLaury rode into Tombstone with a wagonload of beef. Shortly after midnight, Ike got into a shouting match with Doc Holliday at the Alhambra Saloon (the reason for their quarrel would play an important part in the gunfight the next day). As the two men exchanged increasingly violent insults, Doc taunted Ike to make good: "You son-of-a-bitch, go arm yourself." Ike returned the threats in kind until Virgil Earp, Tombstone's town marshal, intervened and separated the two men.

Ike Clanton, drunk and bad-tempered, spent much of that night and the next morning wandering the streets and cursing the Earps and Holliday. At one point he confronted Wyatt with the warning that they would soon have to go “man for man.” Wyatt was dismissive, replying, “Go home, Ike, you talk too much for a fighting man.”

Ike continued to make his way from saloon to saloon, threatening the Earps in front of anyone who would listen. By noon, he was standing in front of Hafford’s Saloon waving a rifle and continuing to spout off. In the meantime, Virgil and Wyatt, who had gone home to sleep, were alerted to Ike’s tirade and the alarming fact that he was now brandishing firearms. Virgil tracked Ike down and tried to pound some sense into him, or more likely knock the fight out of him, clubbing Ike to the ground with the barrel of his gun.

It didn’t work. Ike continued his threats, at one point warning Morgan Earp that, given the opportunity, he “would have furnished a coroner’s inquest for the town.” Not long afterward, Frank McLauray and Billy Clanton rode into town for what was probably a prearranged rendezvous with Ike and Tom. The four men headed to Spangenberg’s gun shop, where they were observed ominously loading bullets into their cartridge belts. Sensing trouble, Virgil wasted no time walking to the nearby Wells Fargo office to borrow a short-barreled shotgun.

The Clantons and McLaurays next proceeded to the O.K. Corral, where they were overheard threatening to shoot the Earps on sight. For unknown but suspicious reasons, the four men, carrying six-guns and rifles, then moved to the other side of the block, stationing themselves in a vacant lot adjacent to Camillus Fly’s photography studio and boardinghouse.

As long as the four men remained at the O.K. Corral, Virgil was willing to let them vent their anger—perhaps they were preparing to leave town. But when they moved toward the city street, he decided that matters had gone far enough. They were openly carrying arms in a public place, in violation of the law. Calling on Morgan, Wyatt, and Doc Holliday for assistance, Virgil determined to disarm the Clantons and McLaurays, by force if necessary.

Thus began the famous march toward destiny. Virgil, Wyatt, Morgan, and Doc walked slowly down Fremont Street toward the confrontation that would become known as the gunfight at the O.K. Corral. Virgil

carried a walking stick in his right hand and a six-gun in his waistband. Wyatt and Morgan were carrying pistols, and Doc was concealing the Wells Fargo shotgun under his overcoat.

As they came within ten feet of the Clantons and McLaurys, Virgil called out, “Boys, throw up your hands, I want your guns.” Then something went terribly wrong. Someone fired a shot, and as Ike Clanton put it, “the ball opened.” Within thirty seconds six men had been shot. Billy Clanton and both McLaury brothers were dead or dying; Virgil and Morgan Earp were seriously wounded, and Doc Holliday was slightly hurt. Wyatt was unscathed. So was Ike, the instigator of it all, who had run away when the shooting began.

Who fired the first shot, and why? And could the tragedy have been avoided, even as the Earps faced down the Clantons and McLaurys in those last critical moments? Some witnesses lauded the Earps for confronting dangerous outlaws, while others accused them of assassinating innocent ranchers who were desperately trying to surrender. Were the Earps courageous lawmen or cold-blooded killers? It would take a trial to answer that question, and the controversial verdict has been debated for the past 120 years.

To the prosecutors, the Earps and Holliday were murderers—law officers out of control who abused their badges out of malice and revenge. For the defense, the Earps were steadfast heroes—willing to risk their lives on the mean, dusty streets of Tombstone for the sake of order and stability. The case against the Earps, with its dueling narratives of brutality and justification, played out themes of intrigue, betrayal, duplicity, revenge, and even adultery. As the witnesses contradicted and denounced each other, the lawyers used all of their considerable talents to shape the testimony and sway the court.

We tell ourselves that trials are about truth, but they are also very much about clarity. The most convincing case wins, not necessarily the truer one. As we will see, the prosecutors in Tombstone seemed at times to have a nearly airtight case, but their efforts were hampered by indecision, dissension, false starts, and conflicts of interest. At key moments, the prosecutors repeatedly overplayed their hand, allowing passion rather than judgment to determine their strategy. In fact, the prosecutors probably had a winning case, but it was not the one they ended up presenting.

In contrast, the defense team, led by the exceptionally capable Thomas Fitch, took advantage of every miscue and error by the prosecutors. He deftly employed loopholes in the territorial statutes, allowing Wyatt to testify without fear of cross examination. Most importantly, Fitch constructed a coherent, unified theory of defense that successfully exploited every flaw in the prosecution's case.

The hearing in the Tombstone court was not simply an epilogue to the gunfight, as most historians have tended to treat it. It was an independent event, in which tactics and maneuvers determined the outcome. After more than a century of argument, no one can say definitively whether Wyatt Earp was innocent or guilty of any crime, but we will be able to see exactly how his attorney out-lawyered the opposition.

One more thing is certain. Wyatt's own description of the events provided a reference point for the legend of the frontier gunfight that has lasted to this day. Testifying before Judge Wells Spicer in a Tombstone courtroom, Wyatt explained: "I did not intend to fight unless it became necessary in self-defense and in the performance of official duty. When Billy Clanton and Frank McLaury drew their pistols, I knew it was a fight for life, and I drew in defense of my own life and the lives of my brothers and Doc Holliday."

Everyone can imagine the scene. The stalwart frontier marshal, though facing death at the hands of outlaws, refuses to pull his weapon first. Then a bad guy makes a false move. Slap leather. The shooting begins.