

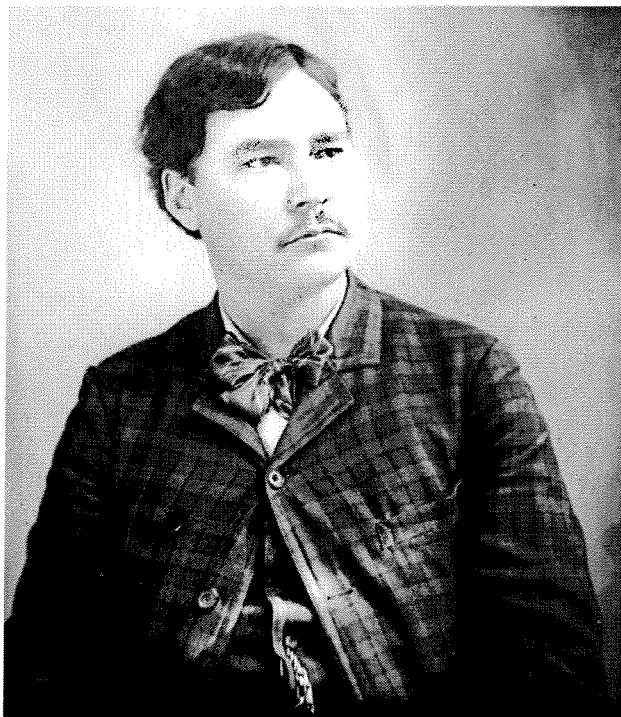
# ONE MAN, ONE WAR: Elfego Baca and His Mission

by Stan Sager (c) 2001

He is the only New Mexico lawyer ever to have had his life story dramatized in a prime-time network television miniseries produced by a major motion picture studio.<sup>1</sup> But then, he is also the only New Mexico lawyer ever to have walked off unscathed from a three-day battle against 80 Texans who were attacking, not with writs, motions and citations of authority, but with real six-guns firing real bullets with the intent to kill, and, when over 4,000 shots had missed, with dynamite and flaming torches.

His name, of course, was Elfego Baca, and it all happened in 1884, when he was a skinny 19-year-old, 10 years before he was admitted to the Bar.<sup>2</sup> It happened, too, three-quarters of a century before the proliferation of civil rights lawsuits for redress of the kinds of abuses that so offended young Baca, at a time when the only remedy available if civil authorities winked at repression and tyranny was to counter with the same kind of six-gun violence that had begotten the oppression in the first place. And though a \$20 per month store clerk working behind a counter in Socorro was an improbable candidate for heroism, Colt's remedy turned out to be in capable hands

when Elfego Baca took up the cause of justice. And today, there's a movement afoot to resurrect the righter of the wrongs.



Elfego Baca, Socorro, NM circa 1883

## PRIDE CALLS FOR BACA'S RETURN

What's fanning interest in the unlikely hero of that memorable 1884 standoff is that he's on his way back to the small southwest New Mexico community of Reserve, where the fracas took place at a time when the town was called Frisco. Baca's return is by way of the planned construction of a larger-than-life-size likeness, cast in

bronze and clutching a pair of Colt 45s. It will commemorate the hero of the historic standoff and personify the pride the event engenders today in those New Mexicans and frontier history buffs who take the time to ponder what the affair was really all about.

For it is pride in which the growing call for the return of Elfego Baca is rooted today; jump-up-and-cheer pride at a time in New Mexico history that pitted the newcomer Texas cowboys, who styled themselves the "Americans," against the native New Mexican farmers and ranchers they called the "Mexicans." There was a man who stood up, took the fire, faced down the oppressors and walked away to tell about it. There was a man who made a difference.

Leading the charge to breathe life into Baca's memory and immortalize the story of the siege is the great-grandson of one of the

Texans' victims, Reserve, restaurant and service station owner Henry Martinez. His dream is that the Baca statue will be featured ultimately in or outside a museum in Reserve, along with a reconstruction of the jacal (picket hut), where Elfego holed up. He's hoping, too, for inclusion of a replica of Nuestra Señora Santa Ana, a revered 600-year-old plaster of Paris icon<sup>3</sup> that was inside the jacal during all the

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shooting and escaped damage.

It was Martinez's great-grandfather, Epitacio Martinez, who was picked by the gunmen at Frisco for target practice, and it is Baca's courage in challenging the perpetrators of such atrocities and winning their respect that the proposed memorial will celebrate. But to Henry Martinez it's not a family matter, not a race matter, not a matter of New Mexicans versus Texans. It's a matter of setting New Mexico history on the right course about the significance of the siege of Elfego Baca after years of relegating the awesome event to the status of just another frontier gunfight.

Here's what a little digging into history discloses happened in Frisco in October of 1884.<sup>4</sup>

## PROLOGUE TO THE BACA SIEGE

What came to be called locally "The Mexican War" had its genesis in a series of events that came together in the early 1880s.

Since shortly after the Civil War southwestern New Mexico had been populated, though sparsely, by Hispanic farmers and ranchers. In the late 1870s and early '80s, Texas stockmen moved in with their herds, and sometimes the herds of their neighbors, and with their cowhands. Their quest was to find free public lands. As they swept across the terrain they added to their cattle by roping and branding any "mavericks" that happened to be caught in the flow without regard to protests about whose land they were trespassing over, or to the technicalities of pre-existing brands, or to the newly enacted New Mexico fence laws, which specifically excluded the lands around Frisco.<sup>5</sup>

Some of the cattlemen came because they had worn out their welcome in Texas. A new country, a new brand for their cattle, and little motivation by Texas law-enforce-

ment authorities to pursue renegades beyond the Texas border proved an ideal combination for an ambitious stockman who wanted to start from scratch and did not much care how he did it. Others, it has been speculated, carried with them a smoldering resentment over the events at the Alamo, where 155 men lost their lives in 1836 in a siege by 2,000 Mexican troops under General Santa Ana. A handful of the Texas cowboys were just plain mean, especially when fortified by forty-rod whiskey and the bravado of other ill-tempered cowhands. This proved especially true when they encountered a local population of the despised "Mexicans," defended only by a deputy sheriff or two who had learned to be somewhere else when the cowboys primed themselves for mayhem by swilling rotgut.

The cowhands found a passive prey in the hard-working local Hispanics in the environs of the village of Frisco, a community that existed in three parts: Upper Frisco, Middle Frisco, and Lower Frisco, separated by a half-mile or so. The sport of the cowboys took the form of brutalizing the local population, though their escapades in the eyes of the cowboys themselves were little more than good, clean fun since to them the "Mexicans" had no rights and certainly no feelings. It was a state of affairs that called for a rescuer of heroic proportions.

## ELFEGO FINDS HIS MISSION

The names of few victims of the Texans have been recorded for posterity. One unidentified woman was roped and then dragged off to an unreported fate.<sup>6</sup> A local man known only as "El Burro" was held down on a saloon table and castrated under the gleeful eyes of a circle of drunken cowboys. A neighbor who begged the cowboys not to do it was himself run down,

tied to a post, and used for target practice while the cowboys bet drinks on who was the best shot. The target was Epitacio Martinez, the great-grandfather of Henry Martinez. He survived four bullet wounds to live until 1942.

During these occurrences Baca was working for a merchant in Socorro for \$20 per month plus room and board. He learned about the depravity at Frisco from Deputy Sheriff Pedro Sarracino (or Sarracino), a man who, in the presence of the Texans, for self-preservation had learned to speak softly though he carried "a big badge." Sarracino had found some reason to leave his jurisdiction at Frisco and visit Socorro when the cowboys went on one of their rampages. When Baca told Sarracino he should be ashamed of himself for letting the atrocities continue, the deputy told Elfego his life would likely be over if he were to challenge the cowboys, and that Baca could have the job if he wanted it. Baca did not think twice. He accepted. He had found his mission.

The upshot was that Sarracino and Baca left Socorro for Frisco riding in a buckboard pulled by a mule, Baca as a "self-made" deputy with the blessings of duly appointed Deputy Sarracino giving him a thin color of authority.<sup>7</sup>

Baca was an unlikely protector of the civil rights of an Hispanic population. He stood no more than 5', 7" with his boots on, and though he was born in Socorro of Hispanic parents he had moved to Topeka with his parents at about age one to take advantage of better schools in the Kansas capital. He did not return to New Mexico until he was 15 or so. In the meantime, he grew up speaking English. Years later he reported in a political tract that he barely spoke any Spanish at all. By his own account, "As a matter of

fact, I was afraid of what they called Mexicans.” The events of the next few days would prove he feared nothing else.

Elfego, however, somewhere in the years after returning to Socorro from Topeka had acquired a skill that was wasted behind the store counter: he could use a six-gun like few others. He’d picked up the talent by hanging out with a contemporary New Mexican, a young man who had earned a dubious reputation as an outlaw. His teacher was Billy the Kid.

Armed only with this skill, his complete lack of fear, his twin Colts and the ammunition he carried in his cartridge belts, Elfego Baca rode into Frisco in a buckboard, wearing his Prince Albert coat, back straight, eyes forward.

## BACA MAKES AN ARREST

The excitement in Frisco began shortly after Baca had rested up at Sarracino’s house after the 160-mile buckboard trip from Socorro over rough terrain. When Baca made his first visit to the cowboys’ hangout in Upper Frisco, Milligan’s Store and Whiskey Bar, he ran into a pair of trouble-making Texans. The duo had whiled away their afternoon off by shooting up the town and had stopped in to quench their thirst with other cowboys who were also guzzling Milligan’s whiskey. When Baca protested to the local justice of the peace, who was himself hoisting a few with the boys, that the shooters should not be allowed to drink in peace after their spree, he was given a splash of local color. The J. P., Judge Lopez, told him that the cowboys worked for the

Slaughter outfit, that it had 150 cowboys on the payroll, that when they came to town their habit was to shoot chickens, dogs, cats and most anything else they decided to practice on. He, for one, wasn’t about to start out to break their habit lest he share the fate of the chickens. Baca took a step backwards, and in a voice loud enough to be heard by the tipplers at the bar, said, “I will show them that there is at least one Mexican in the country who is not afraid of an American cowboy.”

At that point, amid the laughter that bounced from one cowboy to the next, the diminutive Baca walked up to the principal trouble-maker, a man named Charley McCarthy (or McCarty), and announced he was a self-made deputy there to keep order. Unim-

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pressed, the man wheeled, pulled his gun and shot off Elfego's hat.

When Baca failed to blink, the cowboy did a double-take and ducked out of the tavern, hotly pursued by Baca and one "very brave man" named Francisquito Naranjo. Escaping to the ranch where he worked, the Texan failed to find sanctuary from the relentless Baca though surrounded by 30 of his gun-toting peers. Baca, still proclaiming his self-appointed status as deputy sheriff, arrested McCarthy as he tried to escape through the back door of the ranch house, turned his back on the gape-mouthed cowhands and escorted his prisoner to Middle Frisco, where he held him at the home of Deputy Sarracino pending trial on charges of discharging a firearm in town.

## THE FIRST CASUALTY

It did not take long for the Texans to regroup. That evening a dozen of them, "armed to the teeth," appeared at the Sarracino makeshift jailhouse demanding

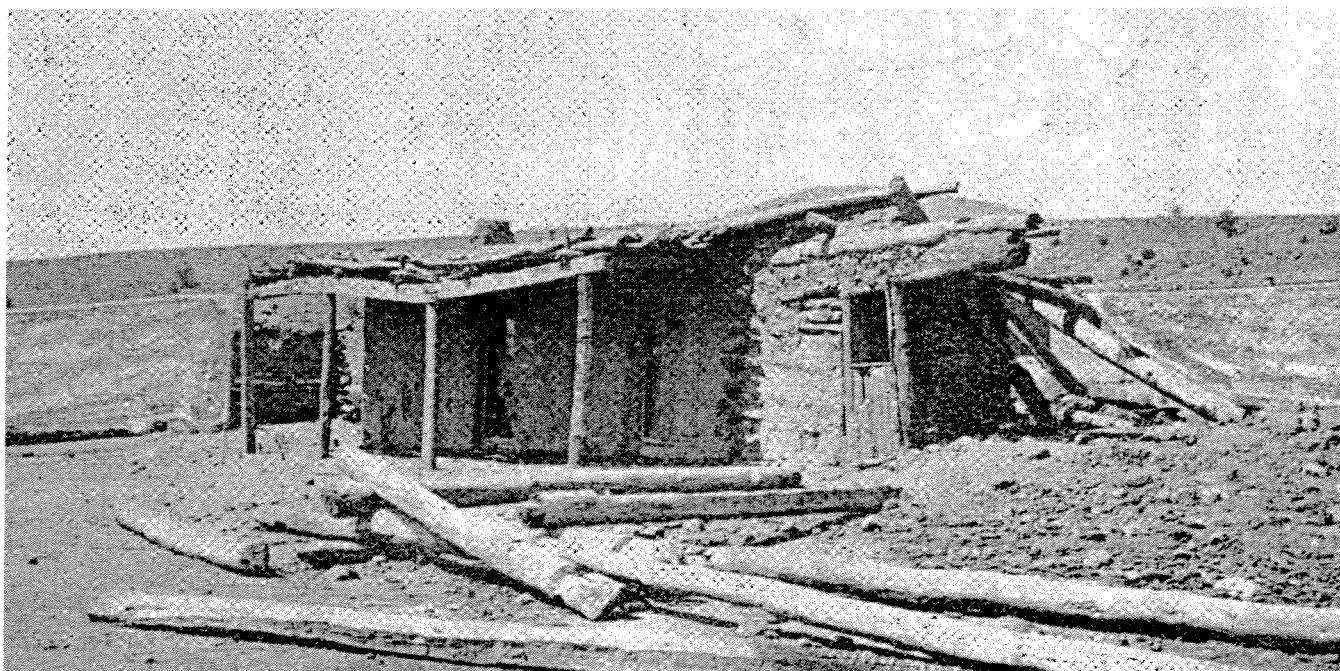
release of the captured cowboy. Baca was not intimidated. He confronted the crowd with an ultimatum: either they would leave or he would count to three before he started shooting.

Baca's Topeka education had apparently taught him to count quickly, and in a moment he finished the count, drew his Colt, shot one cowboy in the knee, shot the horse of another. It fell on its rider, inflicting injuries from which he soon died. The remaining cowhands, realizing they'd lost the quick-draw contest literally hands-down, temporarily lost interest in the prisoner.

In response to these events, the cowboys suddenly realized that lawmen were available to address issues of shootings and other infractions of the law, though the possibility had not occurred to them when they were the shooters and mutilators and the local farmers the victims. They dispatched a rider to Alma, a village some 30 miles south of Frisco, to fetch Dan Bechtol, an appointed Deputy

Sheriff, for the purpose of arresting Baca for killing the cowboy who had been crushed by his horse. Others rode to the ranch to sound the alarm about an uprising among the Hispanic farmers. Expecting to find the place in flames, apparently in the belief that it must have taken a small army of New Mexicans to arrest a single Texan and that the army was marching with flaming torches, the arriving riders instead found everyone in bed asleep.

After themselves snatching a few hours rest after the hard night's riding, the collection of drowsy cowboys was awakened by the messenger they'd sent to Alma. With him was Deputy Dan Bechtol, along with a contingent of more cowboys from Alma. The assemblage waited while Dan snoozed for a few hours. Some of the bunch themselves dozed, then they all rode out to find a justice of the peace to assure that Charley McCarthy got their version of a fair trial. Armed with the hand-picked



The famous jacal at Frisco where Elfego held 80 Texas cowboys at bay for 33 hours, killing four, wounding eight and coming through unscathed himself.

judge and Deputy Dan, they rode into Frisco Plaza to wait for Baca to show up with his prisoner.

## BACA TAKES IN HIS PRISONER

The next morning two cowboys known to Baca appeared at the Sarracino residence in Middle Frisco, staying a respectful 200 yards away. While Baca waved his pistols in their direction, they challenged him to take his prisoner to Upper Frisco for trial. They told Baca there were about a hundred men waiting in a canyon for him to pass. To young Elfego, the odds apparently seemed about right, so he told the pair that he would escort his prisoner there single-handedly. First, though, he passed the word to the Middle Frisco community that the women and children should take refuge in the small church. The plea drew about 125 people, who huddled inside to avoid the bullets that would surely soon be flying. Baca then escorted his prisoner the half-mile or so to Upper Frisco without incident. The "hundred men" waiting in a canyon turned out to be a dozen standing around in the Upper Frisco plaza.

Meanwhile, word had gotten to the cowboys in surrounding ranches that there was a gathering of Mexicans threatening their companions in Upper Frisco and that they needed to be dealt with. The report stated that a cowboy from the Spur ranch had been killed and another, Charlie McCarthy, was being held hostage. Since Elfego Baca was the sole participant in any action up to that point, the alarm may have referred to the assembled women and children taking refuge in the church. The accounts do not describe specifics of any other gathering of Hispanics, though it has been speculated that some of the farmers of the area were at least

observing from a distance.

In any event, while Baca was guarding Charlie McCarthy in Upper Frisco, about 80 cowboys from surrounding ranches, presenting "quite a formidable appearance," rode up with their justice of the peace in tow. Baca, recognizing two of them, walked over to the pair. The store clerk's reputation having been made the night before, the twosome pulled out their guns and threw them to the ground.

Another of the bunch, also known to Baca, approached the self-appointed deputy and cussed him out while holding his hands away from his pistol. Another took a pot-shot in Baca's direction from the anonymity of the crowd of gathered gunmen who remained outside Milligan's Whiskey Bar. Apparently the shooter intentionally fired in the air in fear that if he missed a direct shot he would gun down one of his buddies in the circle that surrounded Baca, a formation that likely saved Baca's life.

Despite these provocations, somehow the cauldron did not quite come to a boil until after McCarthy had been taken by Deputy Bechtol to a nearby house for trial. Perhaps Milligan's hospitality played a role in quieting things down since many of the cowboys opted to spend the next hour or so sampling his refreshments, leaving the trial and the proceedings outside to play out whatever course they took. A handful of the Texans stayed closer to the action, though not a part of it, by engaging in an outdoor game of "mumble-de-peg" with an open-bladed knife.

## MCCARTHY GOES TO TRIAL

In a house down the street from Milligan's oasis, the justice of the peace convened his court for

McCarthy's trial. There is no indication of who the witnesses were, but since Elfego Baca was present he surely testified. In half an hour, Elfego dashed out the door, his hat pulled over his eyes, and disappeared into a nearby jacal, a small residence made of wooden pickets driven into the ground and smeared with mud inside and out. Baca asked the owner of the jacal, Geronimo Armijo, to leave with his family, including his 8-year-old son and another boy who were husking corn on the mud roof. They complied, leaving the structure to Baca.

A few minutes later, McCarthy exited the makeshift courthouse a free man. He had been found guilty of shooting up the town and had paid a \$5 fine. After the collected cowboys had offered their congratulations and imbibed a few celebratory drinks at Milligan's, it occurred to some that the fellow who had fired a shot that killed a cowboy on the count of three the night before ought to be made to answer for the offense. There was no dissent. Some of the cowboys claimed they had been given the authority to arrest Baca by the presiding justice of the peace. The charge would be murder.

## FIRST BLOOD AT THE SIEGE

Fortified by the endless supply of Milligan's nectar and egged on by Milligan himself, a stream of cowboys poured out of the Whiskey Bar and headed down the street to the jacal. Taking the lead initially was a Texan named Hern (or Herne, Hearne, Kearns or Heron) from the Spur outfit. After knocking and receiving no answer, Hern kicked the door violently, demanding he be let in. The response was a shot through the door from each of Baca's two 45s. Hern was hit in the abdomen. His friends pulled him

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out of the line of fire and made him comfortable until he died.

Some of the cooler heads among the Texans were inspired to suggest that perhaps the deputy on duty should play a role in rescuing them from the cornered invader. They sought out Deputy Dan Bechtol, the law enforcer from Alma, locating him in a storeroom at the back of Milligan's where he had retreated to catch up on his rest after his strenuous exertions of the day before. After considerable but unsatisfactory discussion, Dan declined the invitation to keep the peace in favor of resuming his backroom snooze. The cowboys were on their own, and the siege began.

## THE TEXANS FIGURED BACA WAS A SIEVE

William French, a literate Irishman who worked for the WS ranch and later became its foreman, wrote a delightful account of the action that followed from the Texans' perspective. He and his friend, "Old Charley" Moore, who had just ridden up only to have his hat shot off by Baca's gunfire from the jacal, decided to "fog up" the trapped self-made deputy by proving to him that he was not the only one with ammunition. The two hid themselves behind the adobe buttresses of the Upper Frisco village church across the street, peeking out from time to time to throw shots into the jacal. Each time, Baca retaliated, his bullets



The statuette of *Nuestra Señora Santa Ana*, which Elfego used in the *jacal* to fool the Texans, and which is still worshipped as a luck omen.

causing chunks of adobe to fly.

The shots were heard by a troop of cowboys who had ridden out of Upper Frisco to head home following the celebration of the freedom of Charlie McCarthy. Not wanting to miss the action, they turned back, led by Jim Cook, WS foreman, who later was also to write an eyewitness account.

When they arrived at the scene of the hostilities, Cook and French conferred out of the reach of Baca's gunfire. The result was an effort to parley with the trapped Baca through shouted offers. The cowboys, however, chose the wrong medium for communication. Their proposals for an end to the firing were "eloquently" expressed in Spanish. The hitch in the plan was that Baca did not speak Spanish. His response was in a language understood by all the cowboys: he fired more shots. It can be concluded that the firing from Baca

after the blasts into Herne's stomach were not intended to inflict fatal injury. No one else seems to have been killed, though Baca was a dead shot, even years later when he was aging.<sup>8</sup>

This response from Baca moved the siege forces to unlimber the full fire-power of the assembly. They punctured the jacal with bullet holes for a full 20 minutes, top to bottom, right to left, before pausing to evaluate the result.

At the end of the concentrated fusillade the Texans figured Baca was a sieve. One of the boys, Ed Erway, showed himself in order to reconnoiter.

In a moment, Baca peppered a few shots in his direction and drove him back behind shelter. The cowboys' salvos started once again, riddling "every nook and cranny where a bullet could possibly penetrate." The assault quieted Baca for a time, giving the besiegers the opportunity to plan their strategy for the night, since the sun was about to set.

Testimony later estimated 4,000 rounds were fired into the house during the entire siege, nearly 400 through the door. What is not disputed was the attackers' awe that Elfego through it all returned the fire. Unknown to the cowboys, Baca had an ally in whoever had built the jacal. The floor was a foot to 18 inches lower than the grade level at the entry door. It was this fortuitous feature of the building that Baca used to save himself, rising up only to punch his pistols



through the mud, fire his shots between the pickets, then duck back again.

## BREAKFAST AT THE JACAL

Cook and French set sentries to prevent Baca's night-time escape. French himself took a post, from which he emerged from time to time to check the other guards to be sure they were keeping a sharp lookout. He found few as dedicated to staying awake as he was. A good night's sleep was apparently also Elfego's priority, since the slumbering lookouts would have been unlikely to have detected him had he tiptoed away.

Following the quiet night, the leaders of the cowboys concluded that Baca had either slipped away or was dead. French devised an experiment to test his hypothesis. He made an oblique run across the street to draw Baca's fire if he were indeed awake and able to pull a trigger. Baca's shots proved he was still hale and hearty.

The conclusion was confirmed by more evidence. Wisps of smoke rose from the chimney of the jacal. The cowboys sniffed. It was not the scent of gunsmoke. Baca was cooking breakfast. He had found beef and flour in the residence, and made beef stew, tortillas and coffee.

Across the street at Milligan's multipurpose establishment the cowboys also had breakfast, though the accounts do not disclose their menu. With stomachs filled on both sides, the participants resumed their roles and the day's target practice began.

## A SOCORRO LAWMAN APPEARS

During the morning the cowboys were given a report that a horde of Mexicans was approaching. When reconnoitering showed

that there were a number of local farmers and ranchers riding over the hills on both sides of the village, shots were fired and the groups were dispersed. It was later discovered that the locals had no hostile intentions but were on their way to Socorro to seek help from the authorities.

After this diversion, some of the more restrained Texans decided it was time for another parley. The records do not show the language used to offer to Baca that he would incur no personal harm if he were to give himself up, though it was probably Spanish since the response was the same as it had been before. More shots. This led the cowboys to greater ingenuity.

They tossed burning logs on the roof. The mud would not ignite. They blew out a wall with dynamite. It crumbled, but left a fortress of rubble that shielded their prey. They strung up blankets between the buildings across the street from the jacal so they could run between the sheltering structures without exposure to Elfego's 45s. Baca's accuracy was unaffected. Later he claimed four dead, eight wounded for his stay in Frisco, though the cowboys admitted to only two dead.

One Texan scuttled across the street toward the jacal hiding behind an iron stove-front he held up as a shield. Elfego's first shot creased his scalp as his head periscoped above the barrier. The fellow turned tail and ran around in circles, clutching his head, yelling "He killed me. He killed me." It was the only laugh the Texans had had since Elfego Baca pulled his six-guns.

But the second day of the battle was waning, and the Texans were getting bored at the prospect that the only chance for victory was to starve out their nemesis. At this point an unexpected diversion in

the form of a "tall American" named Ross (or Rose) drove up in a buckboard from the direction of Socorro. One of the farmers had reached him with a report of the activities at Upper Frisco and was alongside him in the buckboard. Ross had two indicia of his claim to be a deputy: a badge and an air of authority.

Ross took charge, though deputy Dan suddenly appeared when the firing stopped, strutting around the scene to the annoyance of French. Dan's posturing ended when it was suggested he return to Milligan's, where French's report says he "found consolation."

Ross devised another parley. He drafted as a peace intermediary the man who had gone to Socorro to bring him back to Upper Frisco. But Baca did not understand the Spanish the fellow spoke any better than he had understood the cowboys' mastery of the language the day before. Ross himself then resorted to English. This time Baca understood and listened.

In a few minutes a truce was negotiated and surrender terms were struck: Baca would give himself up; he would keep his guns; Ross would guarantee Baca safe passage to Socorro for trial; the Texans would withdraw; they would not shoot Baca in the back as he drove off with Ross in the buckboard. The deal was done.

With the cowboys out of sight, Baca appeared, not through the front door as everyone had expected, but through a small window in a gable at one end of the house. French said: "He was like a wild animal, stripped to his shirt, with a revolver in each hand, looking suspiciously on every side of him, as if fearing treachery." Outside the fort in the presence of Ross, he found no treachery.

Ross, however, also feared the

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possibility of chicanery. To reduce the odds, he prevailed upon the cowboys to remain in Frisco for a time rather than hitting the road back to their ranches. His worry was that some of the besiegers who had left early to pay their respects at the burial of the dead cowboy, Hern, might return and take Baca. The remaining Texans agreed, whereupon one of the more curious events of the entire siege occurred.

Ross turned custody of his prisoner, still in possession of his 45s, over to the cowboys with no objections from Elfego. They escorted him to Milligan's to wash up and join in sampling some of the genial proprietor's hospitality. There is no report of who paid the tab, but unquestionably Baca was the toast of the town.

During the break, the cowhands quizzed Baca about the events of the past couple of days with particular interest in how he happened still to be breathing in and out. Elfego explained that he had managed to escape their bullets by flattening himself on the sunken floor. The Texans who crossed the street to check out the jacal while the others were drinking with Baca reported back that everything in the place was reduced to splinters. A broom handle, according to later trial testimony, was pocked with eight bullet holes.

## THE END RESULT

After the bipartisan celebration of Baca's heroism, Elfego rode off toward Socorro the same way he had entered Upper Frisco on his mission: hands on his twin Colts, dressed in his Prince Albert coat, riding on a buckboard, back straight, eyes forward. Ross was alongside. Six Texans on horseback led the way. In Socorro he was held in shackles. His murder trial was moved to Albuquerque on a change of venue. He was acquitted.

Some of the Texans remembered Elfego Baca's words spoken before the fracas began: "[T]here is at least one Mexican in the country who is not afraid to stand up to an American cowboy."

Peace returned to the communities of Upper, Middle and Lower Frisco.

There are no further reports of atrocities in the region.

As French said, "the honors were with Baca, ...."

Baca had quieted the Texans by earning their respect; his mission was accomplished.

Stan Sager is a retired Albuquerque lawyer who is presently Of Counsel to the Offices of Deborah Gonçalves. He acknowledges with thanks the work done by Henry Martinez, Reserve businessman, in gathering information on which this article is based. This article is published with the support of the New Mexico Hispanic Bar Association, which is working on a theatrical production of the story.

## ENDNOTES

- 1 *The Nine Lives of Elfego Baca*. Walt Disney Studios (Buena Vista). 1959.
- 2 Baca was admitted to practice law in New Mexico in 1894, having read law in Socorro. A short account of his admission on "scant preparation" is told by W. A. Keleher in his *Memoirs: 1892 - 1969*. pp. 178ff. (See Sources below)
- 3 *Nuestra Señora Santa Ana*, a plaster reproduction of a saint, was reported by Baca to have been inside the jacal during the siege. Baca, in later conversation, reportedly said he used the statue to fool the Texans by showing it with his hat on its head to draw fire away from himself, and that it miraculously escaped the bullets that poured through the structure.
- 4 The story as told in this article was stitched together by the author from the sources listed below. There are some irreconcilable differences in the accounts written by three participants as identified in the Sources. In those cases the author has endeavored to pick the version that seems to fit with other described events and is therefore most probable, giving primary credence to the eyewitness accounts and secondary reliance to hearsay evidence, though it may have

come through sources that were eyewitnesses to other parts of the occurrences. The differences among the versions, in the interest of carrying the narrative forward, have not been explored.

- 5 The author has not independently verified the fence laws. A newspaper of the times, *The Black Range*, Chloride, NM, in reporting the siege through a non-eyewitness account, attributed some of the tensions to the fence law passed by the legislature, which "specially exempted the people in the San Francisco plaza and that neighborhood from its operations." The newspaper article is reproduced in *Baca's Battle*. See Sources.
- 6 This incident is not recorded in any of the three eyewitness accounts. It is related by A.B. Baca, Elfego's nephew, in the *New Mexico Magazine* article identified in the Sources.
- 7 At Baca's murder trial documents were produced to prove that Baca's commission as a deputy predated the fight at Frisco. Their authenticity has been questioned. Baca's own account freely admits his "self-made" status.
- 8 When the author was in the active practice of law, in the early 1970s the late Gilberto Espinosa, Esq., Albuquerque lawyer, told him of visits he had made to Elfego Baca's ranch near Socorro on legal business in the late '30s. Mr. Espinosa's tale was that Elfego entertained (and intimidated) him with demonstrations of marksmanship, shooting the heads off chickens with a Colt .45 as they ran around the ranch-yard, and that in Baca's Albuquerque law office he received visiting lawyers with a pair of loaded 45s handy on his desktop.

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