



New from

The University of North Texas Press

www.unt.edu/untpress

MURDER on the WHITE SANDS

The Disappearance of Albert and Henry Fountain

By COREY RECKO

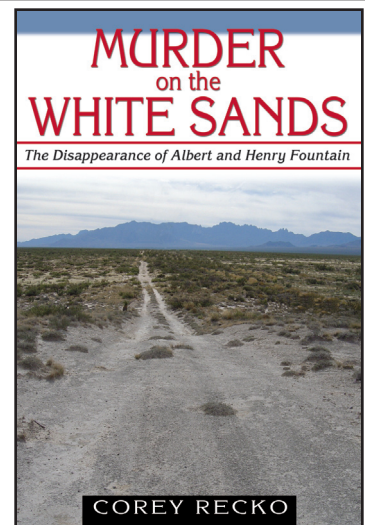
On a cold February evening in 1896, prominent attorney Col. Albert Jennings Fountain and his eight-year-old son Henry rode home across the White Sands of New Mexico. It was a trip the father and son would not complete—they both disappeared in a suspected ambush and murder at the hands of cattle thieves Fountain was prosecuting.

The disappearance of Colonel Fountain and his young son resulted in outrage throughout the territory, yet another example of lawlessness that was delaying New Mexico's progress toward statehood. The sheriff, whose deputies were quickly becoming the prime suspects, did little to solve the mystery. Governor Thornton, eager for action, appointed Pat Garrett as the new sheriff, the man famous for killing Billy the Kid fifteen years earlier. Thornton also called on the Pinkerton National Detective Agency, who assigned top operative John Fraser to assist Garrett with the case.

The evidence pointed at three men, former deputies William McNew, James Gililand, and Oliver Lee. These three men, however, were very close with powerful ex-judge, lawyer, and politician Albert B. Fall. It was even said by some that Fall was the mastermind behind the plot to kill Fountain. Forced to wait two years for a change in the political landscape, Garrett finally presented his evidence to the court and secured indictments against the three suspects.

Garrett quickly arrested McNew, but Lee and Gililand went into hiding. Lee claimed that Garrett merely wanted to kill him with a warrant for his arrest as an excuse. When both men were tracked down at one of Lee's ranches, Lee and Gililand got the best of the sheriff's posse in the ensuing gun battle, killing one deputy and forcing Garrett and his two remaining deputies to retreat. Lee and Gililand would finally surrender months later, under the condition that they would never be in the custody of Sheriff Garrett.

The trial took place in the secluded town of Hillsboro. The murders of the Fountains became an afterthought as the accused men, defended by their attorney Fall, pleaded innocence. Missing witnesses plagued the prosecution, and armed supporters of the defendants, who packed the courtroom, intimidated others. The verdict: not guilty. The bodies of Albert Fountain and his young son Henry still lie in an unmarked grave, the location of which remains a mystery. Corey Recko tells for the first time the complete story of the Fountain case and, through extensive research, reconstructs what really happened to them and who the likely killers were.



TO PLACE AN ORDER: CALL 1-800-826-8911 OR FAX: 888-617-2421

OR VISIT www.tamu.edu/upress

“This is the ‘ultimate’ Pat Garrett/A.J. Fountain, West Texas/Southern New Mexico manuscript. I have never seen such a beautifully researched piece. Nobody is going to excel it, although you will always find folks who want to argue with portions. After this book, it will be a century before anyone approaches the subject again. In short, this is the kind of book I wish I had written.”—**Leon Metz**, author of *Pat Garrett and John Wesley Hardin*

“I am very impressed by the way Corey Recko has put the Fountain story together—quite the most comprehensive examination of all the evidence I’ve ever seen.”—**Frederick Nolan**, author of *The Lincoln County War* and *The West of Billy the Kid*

“Recko is to be commended for drawing his information almost entirely from primary sources, using secondary sources sparingly. He brings together for the first time all the available information on the subject, and in a final chapter provides his conclusions with regard to the affair.”—**Robert K. DeArment**, author of *Bat Masterson* and editor of *Life of the Marlowes*

“This is a solid contribution to Southwest literature and fills a definite void. No one has focused on the disappearance, death, and investigation as completely as has been done here.”—**Chuck Parsons**, author of *Captain L. H. McNelly, Texas Ranger*

“I certainly am impressed by the scope and thoroughness of *Murder on the White Sands*. This book may correct some of the misconceptions, rumors, and tall tales that have clouded the record for more than one hundred years.”—**Gordon Owen**, author of *The Two Alberts: Fountain and Fall*

Number Five: A. C. Greene Series

COREY RECKO is an avid reader of history with an extensive knowledge of late nineteenth-century New Mexico. His interest in the Fountain case led to six years of research and writing. Recko is a member of the historical societies National Outlaw Lawman Association, Western Outlaw Lawman Association, and Billy the Kid Outlaw Gang. He was born and raised in Cleveland, Ohio, and currently lives in Los Angeles, California.



Contact Corey Recko for an interview at:
shoot07@aol.com or (323) 817-1900

ISBN 13: 978-1-57441-224-6

ISBN 10: 1-57441-224-8

Cloth. \$24.95

6x9. 256 pp. 32 b&w illus. 1 map.

Notes. Biblio. Index.

Western History. Criminal Justice.

NOW AVAILABLE

Retail \$24.95

University of North Texas Press

www.unt.edu/untpress

Contact: Paula Oates: poates@unt.edu

ORDERS: 1-800-826-8911 or (979) 845-1436

SUGGESTED INTERVIEW QUESTIONS FOR COREY RECKO:

1. How did you become interested in this subject?

Because of my interest in the Lincoln County War and Billy the Kid, I read Pat Garrett's biography. The Fountain case caught my attention and I wanted to read a book about it. What I found was that although there were books that covered the case, they were all books about other subjects or biographies of other people that could only devote a few chapters to the Fountain case. What I wrote was the book that I had wanted to read.

2. How long did it take to research and write the book?

I started researching in 2000 and soon discovered that there was enough information to justify an entire book and spent the next six-plus years researching, writing, and rewriting.

3. What information does *Murder on the White Sands* contain that other books do not?

First of all, there's a level of detail that other books just couldn't have because they were about something else. I was able to pull much more from the known sources such as the reports of the Pinkerton operatives who investigated the case.

Some of the new information includes depositions taken by Sheriff Pat Garrett's deputy Ben Williams that was unavailable to previous researchers. I found new small pieces of evidence from depositions and letters and pieced together from the surviving records the most extensive coverage of the trial ever published.

Also, I've found new information on many of the participants in the case. For example, in previous publications, the first Pinkerton operative to take the case was referred to as J. C. Fraser, and nothing else was known about him, even though his reports are critical to anyone researching the case. Readers of this book will know that the Chicago born Fraser was in the middle of an impressive fifty-three year career with the Pinkertons when he was assigned the Fountain case.

4. Who are the notable characters in this book?

Albert Fountain would still be remembered had he not mysteriously disappeared. He was very influential in Texas and New Mexico politics. Other prominent New Mexico politicians include Thomas B. Catron, Miguel Otero, William Thornton, and Albert Fall, who later achieved national fame as the principal figure in the scandal that became known as Teapot Dome.

The best-known name is the man who was called in from Texas to investigate the case, the man who killed Billy the Kid, Pat Garrett.

5. Why was Pat Garrett called in to investigate?

Garrett cleaned New Mexico's most dangerous county during its most lawless period, and it was hoped he could clean up this New Mexico mess.

6. How would you describe Albert Fountain?

Albert Fountain was a journalist, editor, Colonel, politician, lawyer, civic leader, and devoted family man. His start in journalism and training in law came in Sacramento, California, but before the young Fountain could take the bar, the Civil War began, and he enlisted in the Union Army. While stationed in New Mexico, he met Mariana, who would become his wife. After the war ended, the couple settled in El Paso and Fountain was elected to the Texas Senate. He was a member of the Senate when Texas was readmitted to the Union. A few years later, the Fountains moved to Mesilla, New Mexico, where Fountain began a law practice, served on the New Mexico Legislature, and founded the newspaper the Mesilla Valley Independent. His time in New Mexico saw him, as editor, politician, and lawyer, take on the crime and corruption that defined the territory.

7. How many suspects are there?

I've found thirty-eight names that have been mentioned in connection to the disappearance over the years.

8. Why would so many people want to kill Albert Fountain?

Albert Fountain had multiple attempts on his life over the years. The apparent reason for this final, and successful, attempt was Fountain's association with the South-eastern New Mexico Stock Growers' Association. The Stock Growers' Association's purpose was to protect member herds from cattle rustling. Fountain was the attorney for the Stock Growers' and was extremely aggressive in gathering evidence against and prosecuting alleged cattle thieves. In this role Fountain gained many enemies.

9. What was New Mexico like when Fountain disappeared?

I don't want to say it was lawless, because it was much improved from the late 1870s and the Lincoln County War, but while the rest of the west was changing, New Mexico was still the "wild west." It was a place where crime and murder happened frequently and often went unpunished. This was a primary reason why statehood had not yet come for New Mexico.

10. Do you think the Fountain bodies will ever be found?

I'd say it's unlikely but not impossible. I don't want to reveal my conclusions from the book, but I will say that there's an area that was searched many years ago for the Fountain bodies, but nothing was found. I believe the searchers were in the right vicinity, but just didn't dig in the correct spot. If there's anything left of the bodies, and someone or some group had the time and proper resources, such as ground penetrating radar, then I think finding the bodies would be a real possibility.