



Physical Anthropology Section – 2006

H78 “The (Almost) Exhumation of Billy the Kid: Why We Aren’t Digging Him up (and Why You Shouldn’t Either)”

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After attending this presentation, attendees will understand how to conduct “biohistorical” forensic investigations, specifically how to identify a well-known historical figure using modern forensic methods

This presentation will impact the forensic community and/or humanity by serving as a cautionary tale, describing the dangers inherent in participating in “criminal” investigations driven by politicians and the media.

“Sometimes biohistorical analysis is undertaken for commercial consideration or mere sensationalism” (Andrews et al., 2004).

On June 10, 2003, New Mexico Governor Bill Richardson held a press conference to announce his support for the reopening of the investigation into the events surrounding the death of Billy the Kid (BTK). The focus of the investigation was to determine whether the remains of the legendary outlaw were buried in a well-known tourist attraction in New Mexico or, as had been previously claimed, interred in either Texas or Arizona. Leading the BTK investigation was a team comprised of the sheriffs of Lincoln and De Baca counties, the Mayor of Capitan, a county attorney and a University of New Mexico History professor. Conspicuously absent were the forensic scientists necessary to achieve the goal of the investigation as stated in the press release: “to put modern forensic science to the test to answer the questions surrounding those days in New Mexico history.”

Following the press conference, the senior management of the New Mexico Office of the Medical Investigator (OMI) felt that the high-profile nature of the case warranted greater involvement by the OMI, as New Mexico statutes (1978 NMSA 24-14-23D) outlines the involvement of the OMI in exhumations. To lend credibility to the pursuit, and to clarify jurisdictional issues, the BTK investigators declared the case a criminal investigation, going so far as to open an official homicide file three days before the press conference (case no. 03-06-136-01, Lincoln County Sheriff’s Office). Despite repeated requests by the OMI for a copy of the file during the early stages of the investigation (and through the legal battles that ultimately ensued); no official documentation was ever provided.

“At the very least, investigators should disclose to the group the investigative question posed” (Andrews et al., 2004).

During preliminary meetings, the BTK investigators outlined the primary goals of the criminal investigation: 1) to determine if Sheriff Pat Garrett did, in fact, shoot William Bonney (aka Billy the Kid) at the Maxwell House in Fort Sumner, NM on July 14, 1881; 2) in order to determine this, the investigators proposed to exhume the remains of William Bonney for the purposes of DNA testing; 3) the investigators also proposed exhuming the remains of William Bonney’s mother, Catherine Antrim, to serve as the comparative standard for mitochondrial DNA tests with William Bonney’s remains. With this information, the author began research into the determining the exact location of the graves of both Billy the Kid and his mother, as well any information that could assist in establishing identity. Following data collection at seven major archives in New Mexico and Arizona, as well as Fort Sumner and Silver City (the reported location of the grave of BTK’s mother), it was the opinion of the author that the exact location of the remains of Billy were not known and that the exhumation of Catharine Antrim may result in the disturbance of adjoining graves. Upon informing the investigators of these findings, it became clear that the focus of the investigation would be the exhumation of Catharine Antrim, as the general location of her grave was at least known.

“Often, investigators fail to pose an investigative question capable of resolution by genetic testing” (Andrews et al., 2004).

When asked what purpose Antrim’s exhumation would serve to the criminal investigation, absent the exhumation of BTK, the investigators indicated that a direct male heir of William Bonney had stepped forward and that they proposed testing his DNA against that of Catharine Antrim. Despite the author’s best attempts to explain how mitochondrial DNA worked and how such a test was scientifically invalid (not to mention pointless within the context of the criminal investigation), the investigators remained resolved. They also indicated their intent to test Antrim’s DNA against “Brushy” Bill Roberts, a well-known character in the southwest who claimed to be Billy the Kid and John Miller, an individual from Arizona also claiming to be BTK. As both these men were deceased, this line of inquiry would necessitate their exhumations as well. At this stage, the medical examiner’s office declined to issue a permit for any exhumation and stated that the office would require either a letter from Governor Richardson or a court order before proceeding.

This presentation will detail the court battle that then ensued and the research findings that indicate the remains of Billy the Kid are unlikely to ever be found. It also serves as a cautionary tale regarding participating in “criminal” investigations involving private funding and documentary film companies, and how media or politically driven biohistorical investigations can rapidly spiral out of control.

Biohistorical Investigations, Personal Identification, DNA