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“Born To Uphold The Law: Frank Sulloway’s Principles Applied To the Earp-Clanton Feud of 1879-1882.”

Personality is consistency.

Once a personality is shaped in early years, the person usually acts consistently in life. Variables such as social class, religion or wealth have been considered by Frank Sulloway in his 1996 book *Born To Rebel: Birth Order, Family Dynamics and Creative Lives*” as being crucial variables in personality formation.

Sulloway proposes birth order as the fundamental variable in shaping personality. Age or wealth do not explain traditional versus progressive personal orientations. Sulloway found Firstborn children, male or female, tend to identify with power and authority and resist new ideas.

Having arrived first, Firstborns are generally found to be more assertive, more socially dominant, more ambitious, and more likely to be jealous of their status and more defensive of their status than Laterborns.

Sulloway found Laterborns are generally underdogs in family constellations and are inclined to question any status quo in any area.

Where Firstborns usually defend any established order, they focus on stability and order.

Sulloway finds family niche is shaped and won by tactics and personality within a group of siblings. Childhood is about search for your own family niche, division of labor, recognition, achievement and survival.

One shaping influence on the Firstborn, male or female, is the duty of being a surrogate parent to younger siblings, called the “parental child.”

One iconoclastic opinion which Sulloway states is Freud’s Oedipus Complex makes no sense in the practical world, since survival is the aim of any life and killing off one parent out of supposed jealousy means reducing the chances for survival by at least half.

Sulloway finds temperament becomes an important part of personality and is influenced by family relationships.

Sulloway further defines Firstborns or others as being Tough Minded or Tender Minded, Traditionalists or Reformers. Tough Minded Traditionalists favor action over negotiation, tend to be dogmatic, see the end as justifying the means. Tough Minded leaders tend to be stubborn, moralistic, used to getting their own way, usually Firstborn males.

Middleborns tend to be flexible, favor compromise, not likely to use brute force, will negotiate and compromise. Middleborns usually organize coalitions, will share power with others.

Lastborns tend to be the family mascot, might become a comedian (Robin Williams and Billy Crystal were both family mascots, for example). The Lastborn, resenting the power and position of elder siblings, might become thoughtless hotheads.

Sulloway's ideas have motivated much interest and discussion. Sulloway's ideas have been the target of reasonable criticism. Malcom Gladwell in his book TIPPING POINT says, without identifying Sulloway or his book, that Fundamental Attribution Error or FAE overestimates importance of character traits and underestimates importance of Situation and Context. Gladwell observes people usually choose Disposition over Context as their explanation of behaviors.

Gladwell continues by saying Birth Order Thesis predicts an oldest child to be a domineering traditionalist, a younger child to be a creative rebel. At home such roles tend to be true but outside of the home such roles may or may not be consistent, given Context. Birth Order Thesis is, says Gladwell, an FAE, the easy explanation of behavior which does not always hold up to scrutiny.

Taking various insights of the widely-researched Born To Rebel, I will apply the findings to a widely-known but often misunderstood era: The Earp-Clanton Feud of 1879-1882. The main figures of this clash are well known in name. There is a literature of anecdotes from participants in the Earp-Clanton Feud, especially about the persons, personalities and actions of Wyatt Earp and his brothers and friends and adversaries. The large filmography about this Feud complicates the matter but tends to support the idea of Wyatt Earp was a prime example of one of Sulloway's concepts: The Functional Firstborn.

Wyatt Earp lived from 1848 to 1929, dying 2 months before his 81st birthday of prostate illness. He apparently was never wounded despite having been in several gunfights.

He was married 3 times: Urilla Sutherland in 1870, who died in 1871. Mattie Blaylock, a common-law wife, committed suicide in 1887 after he deserted her in 1881 for Sarah Josephine Marcus. "Josie" Marcus was his wife, legally or common-law, from 1881 until his death in 1929. Josie died in 1944.

He worked as a part-time peace officer in Lamar, Missouri, Ellsworth, Kansas, Dodge City, Kansas and Wichita, Kansas before coming to Tombstone, Arizona with an established reputation as a firm opponent of disturbing the peace. He often lived with or near his brothers James, Virgil, Morgan and Warren. They often worked as part-time peace officers.

By part time, I mean Wyatt Earp and his brothers were mining investors, saloon keepers, real estate developers, possibly brothel keepers (mentioned occasionally without details) and always on the lookout to make money. Wyatt Earp patrolled the streets nightly but his main interest in life was as a venture capitalist.

He was not the first son or first child of his father, Nicholas Earp. Nicholas Earp was a farmer and occasional justice of the peace who established farms then sold them and moved west, which he did several times in his lifetime.

Nicholas Earp had two wives: Abigail Storm, who died after in 1839 after 3 years of marriage, who birthed his oldest son, Newton, in 1837. They had a son and daughter who died in their first year.

Nicholas married Virginia Cooksey in 1840 and had 7 children:

James born 1841
Virgil born 1843
Martha born 1845 (died 1855)
Wyatt born 1848
Morgan born 1850
Warren born 1855
Adeline born 1857.

The Earp sons were all taught how to fight with their fists by their father. He was proud of his ability with his fists. Most sources identify the Earps as Scottish, so this behavior fits the Celtic cultural focus on physical toughness.

Wyatt's brothers James and Virgil were soldiers in the Union Army during the Civil War. Wyatt was of an age to serve but his father, a local recruiter in Iowa, refused to allow Wyatt to join the military. An anecdote is known, and portrayed in Kevin Costner's film WYATT EARP, where Wyatt goes into town to enlist, meets his father and is sent home. In the Civil War, many soldiers on both sides were teenagers.

Many of Wyatt's contemporaries were military veterans but he never served in the military. Possibly this lack of experience motivated Wyatt to support the established order, among other motivations.

Wyatt told an anecdote, which nobody disputes, in Stuart N. Lake's idol-making book WYATT EARP, FRONTIER MARSHAL: during his older brothers' absence in the army, Wyatt was ordered to plant and harvest a corn crop on the Earp farm. Wyatt told Lake he and Morgan did a man's work each and brought in the crop. This early experience of having heavy responsibility made Wyatt Earp a Functional Firstborn.

Sulloway makes the point how environment effects personality development in family life. Biological Birth Order is distinct from Functional Birth Order. Functional Birth Order is due to mortality, adoption, remarriage and other family shiftings. Firstborns with a closest sibling who is 6 or more years younger are Functional Only Children. Only Children and Firstborns tend to identify with parents and authority. Functional Birth Rank, says Sulloway, is central to personality development.

The absence of James and Virgil during a national and family emergency apparently shaped Wyatt Earp into a Functional Firstborn. He was more assertive, socially dominant and traditionalist than even his older brother Virgil, town marshal (or chief of police) in Tombstone, Arizona.

Wyatt left home at 18, was on his own after that, although often with his brothers. He married in 1870, wife Urilla died within a year of typhus, he was devastated and wandered here and there for several years. He (or somebody using his name) was arrested for horse theft and jumped bail. He tended to go to boomtowns to make investments. There were no fingerprints or mug shots, so I have always wondered if that criminal charge was against the Wyatt Earp of Tombstone fame or someone using his name.

Between 1882 and the 1920s he lived in California and Alaska, eventually settling down in the Los Angeles area where he sold real estate, did prospecting and became an advisor to William S. Hart and Tom Mix on their silent motion pictures. He tried to have a film made of the events of the feud but was unsuccessful during his lifetime. Since the 1930s at least a dozen movies have been made about him or thinly-veiled versions of him.

When he was a peace officer in Dodge City in 1874, only peace officers were allowed to carry firearms. All others had to check their firearms on racks provided in saloons. This requirement in Tombstone in 1881 had precedent and practice.

Wyatt and Mattie, Virgil and his wife Allie, James and his wife Bessie, Morgan and his wife Louisa moved to Tombstone in December, 1879. James apparently never worked as a peace officer, only as a bartender. Virgil, Wyatt and Morgan all had worked as peace officers and had established reputations as tough customers.

All of the Earp brothers were noted for their confidence. Each was over 6 feet when most men were about 5 foot 6 inches, each Earp was about 180 pounds and physically very strong. Each had dark blonde hair and a mustache, often mistaken for each other.

Wyatt was the most confident, the chief enforcer of order in saloons or on the street. The Earps were politically connected to the local Republican Party, which was the party of the Union, city interests and the North.

In his old age, Wyatt talked a few times with Stuart N. Lake. Wyatt apparently showed no remorse for the killings he admitted doing openly of well-armed opponents who had either harmed his brothers or wanted to harm him. He was willing to act quickly and with deadly force if he felt the situation warranted that action. He felt that the general civil order required his action, as well as revenge or protection of those close to him. In this viewpoint and his actions, he showed the stability and traditionalism of a Firstborn Tough Minded Traditionalist. The environment of Arizona in the 1879-1882 era was violent and desperate. His actions to establish order flouted due process at times but apparently were in self defense or defense of others against opponents with deadly intent.

The social situation of Tombstone, Arizona in this era was a microcosm of American society then. It is a flat desert of the Apache people. A prospector, Ed Schiefflin, looked for silver and gold there. He found it. He had been told he would only find his tombstone in Apache country. He named the town likewise. By 1879 the town had roughly 1000 inhabitants, many of them Cornish or Welsh or Irish miners, as well as Americans of all backgrounds. Mining engineers and lawyers were relatively well educated. Bartenders might have any education. The sex ratio was roughly 40 men to 1 woman, most of the women in Tombstone were prostitutes and a few wives of professional men.

The immediate area allows some grazing. The Clanton family had moved to Cochise County in the 1870s. Old Man Clanton was an outlaw in Texas, as were many who drifted into Arizona. Arizona had no consistent Territory-wide law enforcement until 1899 when the Arizona Rangers were founded. In 1879 law enforcement in Tombstone had 3 tiers:

- the City Marshal, Virgil Earp, enforced local ordinances.
- the County Sheriff, John Behan, enforced county laws.
- the U. S. Deputy Marshal enforced federal laws. Virgil and Wyatt had this post.

Many ranchers were from the South, had Democratic and Rebel sympathies. Rustling was common by small ranchers against larger ones but particularly against Mexicans. Since many ranchers came from Texas their feelings toward Mexicans were completely negative. Stealing Mexican cattle in Sonora was seen as commendable.

Old Man Clanton gathered a loose group of drifters around him. He was killed by Mexican vaqueros in 1880. After he died his son Ike, an undependable mouthy drunk, should have become the informal bandit leader. Ike was too shaky for that job. A mysterious Texan known as Curly Bill Brocius became the informal leader.

The Clanton family consisted of Ike, Phin and Billy. Phin never was involved in the feud. Billy, in 1881, was a hardened criminal. Around them was a group of 50 to 200 people who would form as pick-up gangs to rustle cattle or rob stages. Old Man Clanton would not have allowed stage robbery: it interfered with Wells Fargo's shipments and also stopped the U. S. Mail, which brought the Federal Marshal into the law enforcement situation. Old Man Clanton wanted to just steal Mexican cattle.

Curly Bill Brocius is the least known of the principals here. He was a natural leader, apparently charismatic, dependable and shrewd. He has been described as tall and handsome with dark curly hair. Apparently he was smart enough or fortunate enough to never have had a photo taken, whereas Ike, Billy and many other outlaws did photos taken. Brocius was understood to be a Texan who had killed others in range wars.

The McLaurys were from Mississippi, with Confederate sympathies. Frank McLaury had won a shooting contest the year before and been judged the best shot in the county. He was short-tempered and drank too much. His younger brother Tom was generally well-liked. They presented themselves as respectable ranchers. In truth, they were close to the disreputable Clantons. The McLaurys bought stolen cattle from the rustlers without concern for legality and sided with the rustlers as the Earps arrested the rustlers.

The earliest records of the time are contemporary newspaper articles. In that era, the Tombstone EPITAPH and Tucson CITIZEN were pro-Earp. The Tombstone NUGGET and Arizona STAR were pro-Rustler. Some solid facts and sheer nonsense were printed at the time, confusing the questions of behavior and motivation when observed in later days. Several contemporaries of Wyatt Earp dictated or wrote about him. We have much information. We are not sure of the truth in all cases.

Frontier journalism was completely partisan in reporting and analysis. Newspapers were the only contact with the outside, and readers tended to agree with the political opinion of the newspaper they favored. Most people who could read would read newspapers daily.

The rustler group tended to be outcasts with no formal organization. The townsmen, who were usually Northerners, tended to control law enforcement appointments. In 1881 the Tombstone area experienced many stage robberies and some killings. A Committee of Vigilance, a vigilante group, formed secretly and was rumored. The human face of the vigilantes was the Earp brothers. Holding official police appointments, the Earps were able to establish the sort of civil order which businessmen wanted for themselves and for potential investors.

In the 1870s and 1880s the world's view of the American West was less specific than today. The term "cowboy" generally referred to an uneducated, possibly criminal, boorish Texan. The term became romantic after the publication of the novel THE VIRGINIAN. Later fiction and films cemented this positive image.

The mining interests sent out bullion shipments on local stages. The presence of a shotgun guard indicated treasure onboard. Wyatt and Morgan frequently did this job. In March of 1881 a stage with a shotgun messenger met with four horsemen in the twilight. The order was given to halt by the robbers. Two shots were fired. The apparent shotgun guard was killed as was a beer salesman for Anheuser Busch. Bud Philpot was the stage driver but he had shifted placed with Bob Paul, the shotgun messenger. Bud Philpot was killed, as was Peter Roerig, the beer salesman. The horses were frightened and ran, so no robbery took place.

News of the attempted robbery and two killings resulted in a posse being formed. The stage had U. S. mail on it so the attempted robbery was a federal crime for interfering with the mail. The killings violated county law. U. S. Deputy Marshal Virgil Earp and County Sheriff John Behan and several others rode in the posse. Wyatt Earp was part of the posse, possibly as a U. S. Marshal, or a citizen. His status is unclear.

Rumors spread that John Holliday, the tubercular dental graduate of the University of Pennsylvania and native of Valdosta, Georgia, had been part of the gang. He joked that if he had been, he would have taken the bullion. The posse had found suspects and warrants were issued for 4 known stage robbers. Different sources have pinpointed Holliday as either one of the gang or completely unconnected with the gang. That question is completed unsettled since two deathbed confessions are known: one dying outlaw said he knew Holliday was involved. Another dying outlaw said he knew Holliday was not in any way involved. The general religiosity of the time convinced many outlaws to give a completely true listing of their crimes before dying, to avoid eternal damnation. We cannot know if these confessions were first-hand or second-hand accounts.

Holliday was a close friend of Wyatt and, importantly, Morgan Earp. Wyatt tended to be careful about using force but used it firmly. He is supposed to have told Stuart Lake that Wild Bill Hickok had mentored him about using force. If so, Wyatt chose wisely. Where Hickok shot without recognition, even killing a deputy once, Wyatt usually used pistol whippings rather than gunshots to subdue troublemakers.

On the other hand, Morgan was a hothead. He had been the youngest in the family for a few years and probably resented his low status. Josie Earp related in her memoirs that Morgan beat up Sheriff Behan over a disagreement. Morgan was known generally to be the quickest to draw his weapon amongst the Earps. He and Holliday made good friends. Films about Wyatt Earp always make Holliday a close friend; the connection to and similarity with Morgan is usually overlooked in the interest of time and character development. The characters of Morgan and the terminally ill dentist were very close.

Holliday's common law wife, Big Nose Kate Elder, claimed Doc had talked about being in the gang. She made a statement, withdrew it, left town. Nobody knows the truth.

Months of threats and counterthreats were made. Frank McLaury openly threatened to kill the Earps. Morgan Earp almost had a fistfight with him over his threats. The deal breaker was a thoughtless remark by a Wells Fargo employee named Marshal Williams who learned that Wyatt had made a deal with Ike. In that deal, Ike would help Wyatt trap the stage robbers. Ike would receive the reward secretly, Wyatt would receive the credit for the capture and Wyatt would probably be elected county sheriff for it.

Williams told Ike that any deal between him and Wyatt was fine. Ike, who knew that his rustler cronies would kill him in an instant if they considered him untrustworthy, became paranoid. He drank frequently, now he drank constantly, and began threatening to kill all of the Earps and Holliday.

On October 25th, 1881, Ike was so annoying that Virgil told him to shut up and go away. Virgil, a middle child, tended to make friends with everyone and acted firmly only as a last resort. Ike threatened this chief of police with death, which is a shortsighted action in any town in any era.

On October 26, 1881, Ike and Tom McLaury ran afoul of Tombstone's gun carrying law. Virgil hit Ike and had him charged with carrying a weapon. Wyatt ran into Tom, they argued, Wyatt quickly slapped and pistol whipped Tom. Soon afterward Ike, Tom, Frank and Billy joined Wes Fuller, Billy Allen and Billy Claiborne in making loud public threats about killing Holliday and the Earps on sight.

Various citizens warned Virgil, the chief of police, about these armed angry cowboys. Josie Earp in her memoirs claims that an eyewitness told her that as the cowboys walked to the site of the gunfight known as the O. K. Corral (actually a few yards away), one of the cowboys threw away an empty whisky bottle. The possibility to too much liquor makes some sense of the famous incident.

Sheriff Behan, a personal and political opponent of the Earps, met Virgil. He told Virgil that he had disarmed the cowboys. Virgil, as chief of police, chose to enforce the city's ordinance against carrying arms. Behan refused to go, saying paradoxically that the Earps, if they went there, would all be killed. Virgil borrowed a shotgun from the Wells Fargo office. Holliday met them by chance. As chief of police Virgil deputized Wyatt, Morgan and Doc as special officers to disarm the cowboys.

The Earps followed the traditional concept of Honor: never back down, fight when you are challenged. When they came into view of the cowboys, Clairborne and Fuller and Allen ran at the sight of four steely police officers. The principals stood 3 to 6 feet apart, which makes any missed shots hard to understand, unless you consider alcohol as a variable in the situation.

Virgil demanded their guns. He got the contents of their guns, as the Irish say.

Frank McLaury, the most accurate shot in Cochise County, drew and cocked his pistol just as Billy Clanton, the most conscience-free member of the rustler gang did the same. Wyatt Earp drew and fired, hitting Frank in the stomach. Frank's shot went wild and Billy's shot went wild.

The general report is that there was silence for a moment.

Ike ran up to Wyatt and begged Wyatt not to hurt him. Wyatt pushed Ike away, told him to fight or run. Ike ran.

Tom McLaury has been said to have fired twice as he tried to pull a rifle from his horse's saddle. The horse bucked, he could not take the rifle. When the horse moved away, Doc Holliday used the shotgun Virgil had given him to shoot Tom at close range.

Morgan and Virgil exchanged shots with Billy. Morgan was shot from one shoulder blade to the other and Virgil was wounded in the leg. Doc had a graze wound at the hip. Billy took 6 shots from various participants as he fired at each of them.

Frank, who had a fatal wound from Wyatt's first shot, aimed at Holliday. There are various versions of the exchange between them. Louis Lamour the Western author and expert said once on the television program SIXTY MINUTES that Holliday's shot was the best ever done: Holliday drew and fired and insulted Frank McLaury before Frank McLaury could pull his trigger.

Morgan shot McLaury at the same moment. He sustained 3 fatal wounds in 3 injuries.

The O. K. Corral gunfight had Virgil and Morgan wounded, Doc slightly wounded and Wyatt untouched. Frank and Tom McLaury and Billy Clanton were dead. Ike was disgraced as a coward. Josie Earp claimed that the set up was done by Curly Bill: he had promised Ike that if he could gather the Earps in the open, Curly Bill and John Ringo would shoot them from a distance with rifles. If that was a set up or nonsense, it is unclear. It is plausible. Possibly Curly Bill was delayed or just wanted Ike dead.

Sheriff Behan attempted to arrest Wyatt. Wyatt refused. Eventually a court hearing was held. Judge Spicer found that Virgil, the ranking lawman, had acted injudiciously but understandably given the threats and lethality of his opponents. No charges were brought against the Earps which resulted in a murder trial.

December 28, 1881: Virgil was ambushed. He lost use of his left arm.

March 18, 1882: Morgan was killed.

After this, Wyatt formed a posse and went on a search for rustler gang members he expected had shot his brothers. He killed at least 3 rustlers then quickly retreated into Colorado where the governor refused extradition.

During his lifetime Wyatt Earp was well known. San Francisco newspaper articles in the 1890s published articles about his days as a lawman. In 1907 his friend Bat Masterson wrote a series of articles about famous gunmen, saying that Wyatt was the bravest man he had ever met.

In the 1920s various books and films popularized the lawless days of the 1800s. Wyatt gave a few interviews to Stuart N. Lake. It is understood that Lake had to embroider what he knew: Lake found Wyatt to be maddeningly laconic. Many if not all of the items later found to be untrue, such as giving Wyatt credit for killing John Ringo, who was probably a suicide, apparently were Lake's invention and not Wyatt's words.

Josie Earp, nearly destitute and protective of Wyatt's image, badgered Lake and other authors and filmmakers about their representation of Wyatt as a spotless hero. Her leanings further confused the issue.

In 1896 Wyatt was a last-minute choice as referee in a heavy weight boxing match. He had refereed 30 or so matches in earlier days. He had not done so under the new Marquess of Queensberry rules. The match was between the favored Bob Fitzsimmons and Tom Sharkey. During the fight Wyatt declared that Fitzsimmons had fouled Sharkey with a low blow. Opinion was divided at the moment and now. Possibly it was a set up: Wyatt was not a professional referee, he might have been a patsy for Sharkey and his cornermen. Years later Sharkey not only refused to discuss the matter, he refused to confirm that he had been fouled. Fitzsimmons, who had later boxing victories and defeats, always held it was a fix by Sharkey and possibly Wyatt Earp.

The record shows in Marks' *AND DIE IN THE WEST* and Terfertiler's *WYATT EARP* that Wyatt Earp never showed any doubt about his actions as a lawman or a referee. He did not like being blamed for anything but he was always sure of his intentions and his eventual results.

The confidence that order was to be maintained was not a personality quirk in Wyatt Earp, it was his birth order personality pattern. He identified with the established order and never entertained any doubts about his actions, once he took action. True to Frank Sulloway's prediction, he sided with authority and the established order. He ignored due process in dealing with the rustler gang after his brothers' shootings but that was after he felt that the immediate situation precluded due process and he had a U. S. Deputy Marshal's authority and legally sworn warrants for arrests. In short, Frank Sulloway's predictions appear to fit in the matter of Wyatt Earp as a lawman and a referee.
End of Presentation.