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### A Riff on Billy the Kid

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## A Riff on Billy the Kid

### Cover Page Footnote

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## A RIFF ON BILLY THE KID

*Richard H. Underwood\**

When Professor Levine invited me to participate in the 2011 Bob Dylan and the Law Symposium,<sup>1</sup> I was – bemused. Still, I felt that I was compelled to go. I had a good time in the big city, and was surprised by the number of high-powered presenters in attendance. The Symposium produced some interesting articles.

I must admit that I struggled to find anything to say about “Bob Dylan and the Law.” I was a Dylan fan in the very early sixties when he was doing folk music;<sup>2</sup> but I went into the Army at age twenty and did not return to “The World” until the early seventies, when I entered law school. I have never been much into popular music.<sup>3</sup> As an illustration of how much I was not “with it” in the old days, I recall sitting in a canteen of sorts waiting to board a plane out of Vietnam, listening to something I had never heard before – Don McLean’s “American Pie” album. I think it had been out a while. Goodbye Vietnam – I would soon be in Roswell, New Mexico, where my first wife was living (more on Roswell later).

I could come up with something to say about Bob Dylan only because of my knowledge of traditional music. I got back into the “trads” when I married my second wife, Virginia from Virginia. My knowledge of traditional music is respectable. In fact, I have a book on Southern murder ballads coming out soon (insert shameless self-promotion here). Professor Green has dubbed me “macabre.” But what am I to say about Billy Joel, let alone “Billy Joel and the Law?”

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<sup>1</sup> Samuel J. Levine, *Symposium: Bob Dylan and the Law Foreword*, 38 FORDHAM URB. L.J. 1267 (2011). At the time of the Symposium about the only thing I knew about Fordham Law School was that William J. “Bill” Fallon (a.k.a. “The Great Mouthpiece”) was a graduate of the school.

<sup>2</sup> Richard H. Underwood, *When The Law Doesn’t Work*, 38 FORDHAM URB. L.J. 1495, 1497 (2010).

<sup>3</sup> *Id.* at 1497-498. I am even less interested nowadays. News of ISIS is disturbing enough, but now I risk exposure to “electronic dance music.”

I remember hearing some of his music in the eighties and nineties, and liked some of it. He has a good voice and can actually play his piano. Being culturally disoriented, I assumed at the time that he was a “kid” by my standards, but now I know he is just a bit younger than I. I can recall being impressed by the fact that he was married to Christie Brinkley at some point. Is that wrong?

Anyway, I had to find a “hook” to justify another junket to the big city. I plugged Billy Joel into my smart phone and discovered that he had recorded a version of the ballad of “Billy the Kid.” I had my hook. Islip, New York, here I come.<sup>4</sup>

## I. ON “BAD MAN SONGS” AND “ANGRY YOUNG MEN”

I am not big on what I call “Bad Man Ballads.” Why should low-life types like Railroad Bill and John Hardy gain immortality by killing folks and being generally anti-social? Why have “Bad Man Ballads” always been popular? They did not originate in the American West. Billy the Kid and other Wild West types have a lot in common with the characters in old Anglo-Scottish border ballads. Border warfare involved a lot of destruction of crops and theft of livestock, as well as reprisal, retribution, and other manly stuff. All that came over to Appalachia, where we have feud ballads and disputes and killings over stolen hogs.<sup>5</sup> It is not surprising that we find the same lawless themes played out in the songs of the West; but why is the outlaw still the stuff of popular music?<sup>6</sup>

Notably, singers of songs and other celebrities are also into guns;<sup>7</sup> it is all outlaws and guns. I really do not understand the fasci-

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<sup>4</sup> I learned that the Touro Law Center was built on the site of a former mental hospital. Is this trip a mistake? See Ken Rosenblum, *News & Communications: A Grave Situation: Touro Law Center Rescues Abandoned Central Islip Jewish Cemetery*, THE TOURO COLLEGE AND UNIVERSITY SYSTEM (Oct. 9, 2015, 1:05 p.m.), <https://touro.edu/news/featured/a-grave-situation.php>.

<sup>5</sup> For “Bad Man Ballads,” see G. MALCOM LAWS, JR., *NATIVE AMERICAN BALLADRY* (1964).

<sup>6</sup> Consider everything from “Outlaw Country” to Rap.

<sup>7</sup> Consider the peculiar and annoying “Ted” Nugent, who brags about dodging the draft, but poses with his machine guns (along with Anthony Bourdain in one of his “foodie” episodes). Justin Dehn, *Video: Ted Nugent Unplugged*, THE TEXAS TRIBUNE (May 5, 2012), <http://www.texastribune.org/2012/05/05/video-ted-nugents-greatest-hits/>; Anthony Bourdain: *No Reservations US Southwest*, TRAVEL CHANNEL, <http://www.travelchannel.com/shows/anthony-bourdain/page/5> (follow link to US Southwest Journal: 9 Photos, follow arrow to see photographs 5 and 9) (last visited Jan. 25, 2016). Another example was Gatewood Galbraith of Lexington, Kentucky, who did not get through Marine boot camp because of an

nation with either. It seems as if all of this has become part of the folk and folk rock portfolio. Lots of folks have recorded some version of “Billy the Kid.” Bob Dylan and Bon Jovi have that in common.<sup>8</sup> Dylan was certainly into outlaw and gunslinger songs.<sup>9</sup> Again, why are the young drawn to outlaws and guns? It seems incredibly naïve, even for the young.

Many of these folks also sport the badge of “Angry Young Man.” A Billy Joel biography is subtitled *The Life And Times Of An Angry Young Man*.<sup>10</sup> I am not sure I understand the subtitle, but Joel was involved in a complex web of lawsuits against a manager and a law firm.<sup>11</sup> That would make a person angry. What I would like to do is comment a bit on the “real” Billy the Kid, trace the history of the most cited and oldest version of the song, and add a few words about Billy Joel’s version. There is a lot of trivia in my footnotes too, if you like trivia.

## II. BILLY THE KID, THE PERSON

In the folklore of New Mexico, Billy the Kid is a hero; but I must say that during my visits to “The Land of Enchantment,” I heard more about Robert Goddard, the rocketeer, than I heard about Billy the Kid.<sup>12</sup> Nowadays, all the talk in Roswell is about space aliens. It

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asthmatic condition. See Gabe Bullard, *Colorful Kentucky Politician Gatewood Galbraith Dies*, NAT’L PUB. RADIO (Jan. 5, 2015), <http://www.npr.org/2012/01/05/144717139/colorful-kentucky-politician-gatewood-galbraith-dies>. He was a popular pro-marijuana office seeker. *Id.* He posed in a photo for the cover of his autobiography (modestly titled *The Last Free Man In America: Meets the Synthetic Subversion: An Autobiography*) toting an M-60 machine gun. GATEWOOD GALBRAITH, *THE LAST FREE MAN IN AMERICA: MEETS THE SYNTHETIC SUBVERSION: AN AUTOBIOGRAPHY* (2004). I do not know if Gatewood sang any songs, but he did trot out Willie Nelson during his assorted political campaigns. Bullard, *supra* at 1-2.

<sup>8</sup> BOB DYLAN, PAT GARRETT & BILLY THE KID (Columbia Records 1973); BON JOVI, *Blaze of Glory*, on CROSS ROAD: GREATEST HITS (Mercury Records 1994).

<sup>9</sup> See CLINTON HEYLIN, *REVOLUTION IN THE AIR: THE SONGS OF BOB DYLAN* (2009) (discussing *Ramblin’ Gamblin’ Willie*, recorded in 1962, *John Wesley Harding*, recorded in 1967, and *Billy (The Ballad of Billy the Kid)*, recorded in 1973). The reader probably recalls that he also wrote a sympathetic song about hit man Joey Gallo, which critic Lester Bangs called “repellent romanticist [b...s....].” ANTHONY VARESI, *THE BOB DYLAN ALBUMS: A CRITICAL STUDY* 131-33 (2002); Lester Bangs, *Bob Dylan’s Dalliance with Mafia Chic*, in *MAINLINES, BLOOD FEASTS, AND BAD TASTE: A LESTER BANGS READER* 68 (John Morthland ed., 2002).

<sup>10</sup> HANK BORDOWITZ, *BILLY JOEL: THE LIFE & TIMES OF AN ANGRY YOUNG MAN* (2005).

<sup>11</sup> Brian L. Frye, *Scenes From the Copyright Office*, 32 *TOURO L. REV.* 83 (2016).

<sup>12</sup> Actress Demi Moore and singer songwriter John Denver were at one time denizens of Roswell. Rebecca Flint Marx, *Biography-Demi Moore*, N.Y. TIMES,

may interest you to know that in the seventies, I never heard anything from the Roswell locals about space aliens. Now everyone can “remember” all about the flying saucer incident. Are they bogus recovered memories? I need to call Elizabeth Loftus.

I have been to Fort Sumner (where Billy was supposedly buried), the ghost town of White Oaks, the Hondo Valley, and other of “The Kid’s” haunts. My first wife’s family lived in a little farmhouse on land that had been a part of South Spring Acres, a Chisolm ranch. Chisolm figures into the story of Billy the Kid.

Olive Woolley Burt, a famous folklorist and author of *American Murder Ballads and Their Stories*,<sup>13</sup> had this to say about gun-slingers and other assorted bad men:

If a person wants to feel really good about killing someone, all he needs to do is to get a few highly respectable citizens to join him in the project . . . .

Another sure-fire excuse is to claim that the law ‘done me wrong.’ The contemptible Billy the Kid, the idol of many a youngster, killed a number of men in New Mexico with the excuse that an unknown ruffian had insulted his mother in the streets of Silver City, N.M. Time and time again, those who have adopted murder as a way of life in retaliation for a fancied wrong have become national heroes . . . .<sup>14</sup>

[I]t is difficult to understand why [Billy] rivals Jesse James as a prince of American outlaws. Billy was a bucktoothed, unkempt, illiterate villain who went about shooting folks for the fun of it. But he is now New Mexico’s hero and stands high in the estimation

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<http://www.nytimes.com/movies/person/103370/Demi-Moore/biography> (last visited Jan. 25, 2016); Sandra Brennan, *Biography-John Denver*, N.Y. TIMES, <http://www.nytimes.com/movies/person/87511/John-Denver/biography> (last visited Jan. 25, 2016).

<sup>13</sup> AMERICAN MURDER BALLADS AND THEIR STORIES (Olive Wooley Burt, ed. 1958).

<sup>14</sup> Olive Wooley Burt, AMERICAN MURDER BALLADS, *supra* note 13, at 161. Woody Guthrie’s lyrics in his *Pretty Boy Floyd* fits the Kid legend to a tee. Floyd gets on the wrong side of the law by killing a deputy in an affray started by the lawman, who had insulted Floyd’s wife. As the story goes, his name became associated with many crimes he did not commit, while he paid many impoverished farmers’ mortgages and served up groceries to those on relief. See WOODY GUTHRIE AND LEAD BELLY, *Pretty Boy Floyd*, on FOLKWAYS: THE ORIGINAL VISION (Smithsonian Folkways Recordings 2005).

of many good people all over the country.<sup>15</sup>

I have no idea what Ms. Burt actually knew about Billy the Kid. Some have been more sympathetic, like Pulitzer Prize winner Conrad Richter, who lived at least twenty years in New Mexico.<sup>16</sup> Richter interviewed several old timers including one whose husband had run a general store in Ruidoso,<sup>17</sup> and who apparently sheltered The Kid, who “took her small boy for rides on his horse.”<sup>18</sup> Like the Depression era killers, Billy was liked by the poor, particularly the Mexicans, so it was not surprising that in legend he would become something of a Robin Hood character.<sup>19</sup> No doubt Billy’s fans would say that although he was an outlaw, he was true to a code of his own. They always say that. They said that about Andrew Carter Thornton II, a graduate of my law school, who was a crooked cop and a drug runner. He, too, was immortalized in the book *The Bluegrass Conspiracy*,<sup>20</sup> and he dropped out of the sky to his death in real life and in season four of the FX series “Justified.”<sup>21</sup>

Most of what we know about The Kid is myth. Some say he was born William Henry Bonney in Manhattan, New York, of Protestant Irish parents.<sup>22</sup> Others say his name was McCarty.<sup>23</sup> His mother married William Antrim, and they settled in Silver City, New Mexico.<sup>24</sup> The songsters and mythologists say he murdered his first man because the victim insulted Billy’s mother, but this is demon-

<sup>15</sup> Olive Wooley Burt, *AMERICAN MURDER BALLADS*, *supra* note 13, at 193.

<sup>16</sup> CONRAD RICHTER, *THE SEA OF GRASS* (1937) (one of Richter’s several novels set in the Southwest that, to an extent, deals with the Lincoln County War).

<sup>17</sup> The town is now known for a horse race called “The All American Futurity.”

<sup>18</sup> TONY HILLERMAN, *THE SPELL OF NEW MEXICO* (1976).

<sup>19</sup> I mentioned Guthrie’s *Pretty Boy Floyd*. The reader might not be familiar with one of Guthrie’s lesser-known works, *Philadelphia Lawyer*. See WOODY GUTHERIE AND LEAD BELLY, *Philadelphia Lawyer*, on *FOLKWAYS: THE ORIGINAL VISION* (Smithsonian Folkways Recordings 2005). In that song, Wild Bill shoots the Philadelphia lawyer for messing with Wild Bill’s girl. This reminds me that John Wesley Hardin (not Harding), another murderer, ended up as a lawyer. According to some accounts he ended up a dead lawyer after he had sex with a client’s wife.

<sup>20</sup> SALLY DENTON, *THE BLUEGRASS CONSPIRACY: AN INSIDE STORY OF POWER, GREED, DRUGS AND MURDER* (revised ed. 2001).

<sup>21</sup> See Samuel Levine, *Portraits of Criminals on Bruce Springsteen’s Nebraska: The Enigmatic Criminal, The Sympathetic Criminal, and The Criminal as Brother*, 14 *WIDENER L.J.* 767, 771-72 (2005) (discussing Bruce Springsteen’s sympathetic portraits of criminals).

<sup>22</sup> Kathy Weiser, *Old West Legends: Billy the Kid – Teenage Outlaw of the Southwest*, *LEGENDS OF AMERICA*, <http://www.legendsofamerica.com/we-billykid.html> (last visited Jan. 25, 2016).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

strably false.<sup>25</sup> His first victim was Frank P. “Windy” Cahill, who had bullied him and roughed him up in a fight.<sup>26</sup> Billy shot him dead, which seems a bit of an over-reaction to being knocked down.<sup>27</sup> Clearly this was excessive force. Billy went on the run, and ended up in Lincoln County, New Mexico.<sup>28</sup> Lincoln County was much bigger in those days.

Billy got caught up in the Lincoln County War, which was a conflict between the big cattlemen like Chisolm against smaller ranchers and a group of locals headed by Englishman John Tunstall and lawyer Alexander McSween.<sup>29</sup> In a way it was something akin to modern gang warfare, with the Chisolm faction trying to control the cattle trade and benefit from contracts with the Army, and the other faction trying to get a piece of the Army’s business and control the mercantile trade that had been cornered by Tunstall and McSween. Billy worked for Tunstall as a cattle guard and gunman.<sup>30</sup> Tunstall was murdered by a posse controlled by the Chisolm faction.<sup>31</sup> Billy and a gang known as “The Regulators” sought revenge.<sup>32</sup> The Regulators were blamed for the murder of Sheriff Brady, his deputy, and others.<sup>33</sup> At the height of the War the Regulators were trapped in McSween’s house in the town of Lincoln, and a shootout ended with McSween’s death and Billy’s flight.<sup>34</sup> Lew Wallace, a former Civil War general<sup>35</sup> and the author of the highly successful novel *Ben-Hur*,

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<sup>25</sup> *Fact vs. Myth, ABOUT BILLY THE KID*, [http://www.aboutbillythekid.com/fact\\_vs\\_myth.htm](http://www.aboutbillythekid.com/fact_vs_myth.htm) (last visited Jan. 25, 2016).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Weiser, *supra* note 22.

<sup>29</sup> Weiser, *supra* note 22.

<sup>30</sup> *This Day in History: February 18, 1878: Murder ignites Lincoln County War*, HISTORY, <http://www.history.com/this-day-in-history/murder-ignites-lincoln-county-war> (last visited Jan. 25, 2016).

<sup>31</sup> Kathy Weiser, *Frontier Legends: Other Characters of the Old West*, LEGENDS OF AMERICA, <http://www.legendsofamerica.com/we-otherslist.html#JohnHenryTunstall> (last visited Jan. 25, 2016).

<sup>32</sup> *Gunfighter Summaries – L*, LEGENDS OF AMERICA, <http://www.legendsofamerica.com/we-gunfighterlist-l.html> (last visited Jan. 25, 2016).

<sup>33</sup> *Id.*

<sup>34</sup> Kathy Weiser, *New Mexico Legends: New Mexico’s Lincoln County War*, LEGENDS OF AMERICA, <http://www.legendsofamerica.com/nm-lincolncountywar.html> (last visited Jan. 25, 2016).

<sup>35</sup> As I recall, he was a bit late getting to Shiloh. For a surprisingly good account of Wallace’s life in war and letters, see John Swansburg, *The Passion of Lew Wallace*, SLATE.COM (Mar. 26, 2013), [http://www.slate.com/articles/life/history/2013/03/ben\\_hur\\_and\\_lew\\_wallace\\_how\\_the\\_scapegoat\\_of\\_shiloh\\_became\\_one\\_of\\_the\\_best.single.html](http://www.slate.com/articles/life/history/2013/03/ben_hur_and_lew_wallace_how_the_scapegoat_of_shiloh_became_one_of_the_best.single.html).



replaced the corrupt governor of the New Mexico Territory, and tried to make a deal with Billy.<sup>36</sup> He offered Billy a pardon<sup>37</sup> in exchange for testimony.<sup>38</sup> However, Wallace was unable to make good on the deal, and Billy pursued a career on the wrong side of the law rustling cattle and killing a few more men along the way.<sup>39</sup> He was run to ground by a former friend, Pat Garret, who had become the new sheriff.<sup>40</sup> Billy was convicted of the murder of Sheriff Brady, but escaped from jail, killing two guards in the process.<sup>41</sup> The legend goes that he killed 21 men, but it was probably more like nine or ten, and maybe fewer.<sup>42</sup>

I am giving only the sketchiest account. There are people who have made careers out of Kid study, and they take the whole saga much more seriously than I do. I have no interest in getting into a dispute about details (as we shall see, Billy Joel shares my indifference to details). A whole library could be filled with articles, books, and movies all giving different accounts of Billy's life.<sup>43</sup> A grave for Billy can be found at a military cemetery at Fort Sumner, although the site of his burial has been disputed. Indeed, one book says Billy the Kid was actually a fellow named William Henry Roberts, who was interviewed at age 89.<sup>44</sup> In any event, there is no evidence that The Kid robbed from the rich and gave to the poor, or that he had any anti-authoritarian philosophy, or any philosophy for that matter.

### III. BILLY THE KID IN SONG

The earliest recorded "Billy the Kid" that I could find was sung by Vernon Dalhart (Marion Try Slaughter II), who, it is report-

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<sup>36</sup> *Id.*

<sup>37</sup> *When History Lives*, SONG OF THE WEST, [http://www.songofthewest.com/Billy\\_the\\_Kid\\_Pardon.php](http://www.songofthewest.com/Billy_the_Kid_Pardon.php) (last visited Jan. 25, 2016). Billy gave an interview to the Las Vegas Gazette on December 27, 1880, in which he tells his "the law done me wrong" story, and mentions his hope for a pardon. See Interview with Billy the Kid, THE LAS VEGAS GAZETTE (December 27, 1880).

<sup>38</sup> Weiser, *supra* note 22.

<sup>39</sup> Weiser, *supra* note 22.

<sup>40</sup> Weiser, *supra* note 22.

<sup>41</sup> Weiser, *supra* note 22.

<sup>42</sup> ABOUT BILLY THE KID, *supra* note 25.

<sup>43</sup> There was much excitement in 2013 when a new tintype of Billy was found. See S. Derickson Moore, *New Picture May Capture Billy the Kid*, LAS CRUCES SUN-NEWS (Aug. 20, 2013 12:10 AM), [www.abqjournal.com/.../news/new-picture-may-cap](http://www.abqjournal.com/.../news/new-picture-may-cap).

<sup>44</sup> W.C. JAMESON, BILLY THE KID: THE LOST INTERVIEWS 14-16 (2012).

ed, was classically trained. Dalhart teamed up with Carson Robison from 1924 to 1928. Robison was also said to be a “sophisticated” songwriter.<sup>45</sup> The two were, for a time, the biggest stars in what we now call “Country Music.”<sup>46</sup> To give you an idea of how big-time Dalhart was, one of his early hits, “The Prisoner’s Song,”<sup>47</sup> sold millions of copies.

According to D.K. Wilgus,<sup>48</sup> Dalhart’s lyrics were the product of the prolific songwriter “blind newsboy-preacher” Andrew Jenkins.<sup>49</sup> Jenkins based his lyrics on newspaperman Walter Noble Burn’s 1926 “fictional biography,” *The Saga of Billy the Kid*.<sup>50</sup> Jenkins was already famous for his song “The Death of Floyd Collins,”<sup>51</sup> which Dalhart had recorded, and music promoter Polk C. Brockman decided to give “Billy the Kid” to Dalhart.<sup>52</sup> Obviously, the song cannot be classified as a traditional ballad.

American composer Aaron Copland wrote a ballet version of the story of Billy the Kid in 1938. It begins Billy’s story with Billy’s mother’s murder (didn’t happen) and Billy’s killing of the murderer,

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<sup>45</sup> See Vernon Dalhart & Carson Robison, BLUE GRASS MESSENGERS, [www.bluegrassmessengers.com/vernon-dalhart--carson-robison.aspx](http://www.bluegrassmessengers.com/vernon-dalhart--carson-robison.aspx) (last visited Jan. 25, 2016) (discussing Carson Robison’s version of “Billy the Kid”).

<sup>46</sup> *Id.*

<sup>47</sup> Dalhart copyrighted the song in his cousin’s (Guy Massey) name but supposedly kept most of the royalties. The actual authorship of the song has been disputed. Two lines of the last stanza of the song – “Now if I had the wings of an angel/Over these prison walls I would fly” – were the inspiration for Albert E. Brumley’s gospel hymn “I’ll Fly Away.” *Prisoner’s Song*, STOLAF, [www.stolaf.edu/people/hend/songs/Prisoner’sSong.html](http://www.stolaf.edu/people/hend/songs/Prisoner’sSong.html) (last visited Jan. 25, 2016). Check out Carolyn Hester singing *I’ll Fly Away* on YouTube and you’ll hear the young Bob Dylan on harmonica. See Carolyn Hester, *I’ll Fly Away*, YOUTUBE (Apr. 5, 2010), [https://www.youtube.com/watch?v=nP--QV7\\_ev0](https://www.youtube.com/watch?v=nP--QV7_ev0).

<sup>48</sup> D.K. Wilgus (1918-1989), a famous folklorist, was from my hometown of Columbus, Ohio, and taught at what is now Western Kentucky University (where he edited *The Kentucky Folklore Record*) before moving on to UCLA. Three years before his death he married Eleanor Long-Wilgus, who was also a famous folklorist. Shortly before her death she wrote a study of the ballad “Naomi Wise.” ELEANOR LONG-WILGUS, NAOMI WISE: CREATION, RE-CREATION, AND CONTINUITY IN AN AMERICAN BALLAD TRADITION (2003).

<sup>49</sup> See FREDERICK NOLAN, THE BILLY THE KID READER (2007). Jenkins was not totally blind, but blind enough for the moniker. It is said that Bob Dylan’s first hand-written lyric was a riff on “The Drunkard’s Child,” an Andrew Jenkins song about a child who was beaten to death by his drunken father. CLINTON HEYLIN, REVOLUTION IN THE AIR: THE SONGS OF BOB DYLAN 26 (2009).

<sup>50</sup> NOLAN, *supra* note 49, at 360.

<sup>51</sup> ROBERT K. MURRAY & ROGER W. BRUCKER, TRAPPED! THE STORY OF FLOYD COLLINS 247 (1979). The book tells the story of the death of spelunker Floyd Collins in Sand Cave in the Mammoth Cave region of Kentucky.

<sup>52</sup> Brockman paid Jenkins twenty-five dollars for the song. It supposedly sold millions of copies. MURRAY & BRUCKER, *supra* note 51, at 248.

continues with his outlaw life, his capture and escape from jail, and his death at the hands of Pat Garrett. It is certainly a romantic and sanitized version of his life. Copland incorporated familiar cowboy tunes into the work, including “Old Paint,” “Git Along Little Dogies,” “The Dying Cowboy” (aka “Bury Me Not On The Lone Prairie”), and “The Old Chisolm Trail.” What I find interesting is the fact that Copland’s work is discussed in Ray M. Lawless’s book *Folksingers and Folksongs in America*, whereas no versions of a Billy the Kid song are mentioned.<sup>53</sup> Copland’s version of the Old West is sometimes likened to Thomas Hart Benton’s effort to capture the sense of the “American Experience” in his paintings.<sup>54</sup>

#### IV. BILLY JOEL’S “BILLY THE KID”

I already mentioned that Billy Joel was not interested in the details of Billy the Kid’s life. His version<sup>55</sup> has Billy headed out of his hometown of Wheeling, West Virginia, to conduct a series of lone rider bank robberies “from Utah to Oklahoma.” As the song progresses Billy is caught, hanged, and buried at Boot Hill, Kansas. In the last verse there is a switch to Billy from Oyster Bay, Long Island, where Billy Joel hails from. The six-gun becomes a six pack (more my style). Bordowitz suggests that Joel intended to draw “an interesting, if somewhat jejune, parallel between what made a teen outlaw in the Wild West 1800s versus what it made one in the suburban late 1900s.”<sup>56</sup> Jejune indeed. Some thought the piece was autobiographical, but Joel wrote that it was about a bartender he knew in Oyster Bay, which I don’t buy.<sup>57</sup> Bordowitz and others<sup>58</sup> praise Joel’s orchestration, which reminds Bordowitz of Aaron Copland. All I can say is that Billy Joel is a lot easier to listen to than Vernon Dalhardt.

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<sup>53</sup> See RAY MCKINLEY LAWLESS, *FOLKINGERS AND FOLKSONGS IN AMERICA: A HANDBOOK OF BIOGRAPHY, BIBLIOGRAPHY AND DISCOGRAPHY* (1960).

<sup>54</sup> Thomas Hart Benton’s contribution to American folklore and folk music is not widely appreciated. For those interested in this topic, see Annett Claudia Richter, *Fiddles, Harmonicas and Banjos: Thomas Hart Benton and His Role in Constructing Popular Notions of American Folk Music and Musicians* (2008) (Ph.D. dissertation, University of Minnesota), <http://gradworks.umi.com/33/21/3321928.html>.

<sup>55</sup> BILLY JOEL, *PIANO MAN* (Columbia Records 1973).

<sup>56</sup> BORDOWITZ, *supra* note 10, at 74.

<sup>57</sup> BILLY JOEL, *SONGS IN THE ATTIC*, LP (Columbia Records 1981).

<sup>58</sup> See *A Year of Billy Joel* (July 30, 2015), <http://ayearofbillyjoel.com>; *Reading between the Grooves – Billy Joel: The Ballad of Billy The Kid*, BLOGSPOT (June 1, 2012), <http://zeegrooves.blogspot.com>.