Butch on eBay

Like most Wild Bunch researchers, I had never given much thought to the authenticity of Butch Cassidy’s letters. That is, until last November, when Utah document dealer Brent Ashworth posted item number 1033349069, “Butch Cassidy/Mormon/Photograph/Mark Hofmann,” on eBay, the Internet auction service. In his description of the photograph, Ashworth wrote that it had been among “forged items” he had purchased from Mark Hofmann. He added that Hofmann had a real interest in Butch Cassidy and his exploits and once sold me a forged letter of Cassidy which later appeared in several Old West magazines.” I was the only bidder, and the photograph was mine. When it arrived, it appeared to be a criminal filing card, carte-de-visite size, such as the Pinkertons and police departments used in the late 19th century, before the days of computers, to keep track of malefactors.

As I studied the item with a loupe, I could readily detect that it was a forgery. The photograph was of modern vintage, and the card stock was also recent and freshly cut (that is, recent in the sense of within the past few decades). Also, the card bore no indication of which police agency had prepared it. All in all, the workmanship did not speak well for Hofmann’s legendary forging skills.

But I was more intrigued by Ashworth’s comment about the “forged letter of Cassidy.” Which one was the fake? There must be a story here. (Ironically, Anne Meadows and I had relied on all the letters attributed to Cassidy in writing “History vs. The History Channel,” which appeared in the WOLA Journal’s Spring 2001 issue.) Several weeks and numerous e-mails, telephone calls, and library visits later, the prospect of a single Cassidy forgery had blossomed into perhaps three, and the number of people who had handled the letters grew even more. I still don’t know if I found them all.

In the course of my sleuthing, I also learned something about the world of antiquarians. Documents often change hands via sales and trades among dealers multiple times. They might own the same historic piece of paper more than once and, with the passage of time, forget when and from whom they obtained it. And I learned that dealers are not by inclination detectives; they sell, but do not investigate. So documents with a possible taint are apt to remain on the market, perhaps with an advisory, perhaps not. Similarly, collectors, in their quest to own a unique treasure, will often overlook their own suspicions. Caveat emptor is as frequently ignored as is “Don’t Walk.”

It turns out that the photograph I bought on eBay may not have been a Mark Hofmann invention, after all. A fake, yes, but perhaps not by him. Another unsolved mystery.

—Daniel Buck

By Daniel Buck

Butch Cassidy spent the first thirty-five years of his life in the United States, yet only three letters purportedly written by him during that period have ever been found: An 1890 letter to a brother, an 1896 letter to a jailed friend’s wife, and an undated note to his attorney.

The first document is a two-page letter, dated March 13, 1890, mailed to a Lorenzo Watson with an instruction to “Kindly pass this letter on to Daniel S. Parker.” Written in pencil, it carries the salutation, “My Dear Brother,” and is signed, “This from your brother Bob.” Butch Cassidy’s real name was Robert LeRoy Parker.1 Surviving with the letter is the original stamped and canceled envelope in which it was mailed to Watson.2

The second is a three-page letter,
Cloud over Cassidy Letters
dated August 25, 1896, also written in pencil, and addressed to “Mrs. Rosa Warner,” his outlaw pal Matt Warner’s wife, and signed “George Cassidy,” the alias he was using in those days. The text of the letter, slightly redacted, was published in a Utah newspaper the following month.

The third is an undated, unsigned note written in ink and bearing the salutation, “Damn you Preston,” presumably directed at Cassidy’s attorney at the time, Douglas A. Preston. The text first appeared in print in an outlaw history published in 1938.

The holographic (that is, handwritten) originals of these documents were not found until many decades after they were purportedly written. All three surfaced in Utah in the early 1980s, when prolific forger Mark Hofmann was active there, but little attention has been paid to the possibility that he created them.

While still in his twenties, Hofmann, the son of a Salt Lake City mortician, became a historic document dealer of phenomenal skill and good fortune. He discovered singular and often controversial Mormon manuscripts (for example, the “White Salamander” letter, which told of a strange vision by church founder Joseph Smith) and rare Americana (including a heretofore unknown poem by Emily Dickinson in her own hand, a long-lost Daniel Boone letter in his hand, and the only extant copies of The Oath of a Freeman, the first English-language

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of a trial.) During his appearance before the Utah Board of Pardons and Parole for final sentencing, Hofmann expressed no remorse for his crimes. He was sentenced to life without parole.

Hofmann’s shadow still haunts scholars and collectors because so many documents passed through his hands. He had embarked on his criminal career while still in college, in the mid-1970s. Over little more than a decade, hundreds of Hofmann-linked documents had made their way into public and private collections across the United States. Some documents were complete forgeries; others were authentic documents that Hofmann had altered to increase their value. The chief forensic document examiner in the Hofmann case, George J. Throckmorton, studied several hundred items linked to him and found none of any significance that had not been faked or altered. “Hofmann forged,” Throckmorton said, “anything that could be of value.” Now in private practice as a questioned document examiner, he is still called upon to evaluate Hofmann material. “There are more than 100, say upwards of 130, Hofmann forgeries still out there waiting to be found,” he said. Debunking manuscripts, however, is not a profession that wins friends. “Who wants to be told their $30,000 document is a forgery?” Throckmorton asked. And the bill for such bad news can cost as much as $1,500.9

There were some indications, during and soon after the investigation, that Hofmann might have forged Cassidy material. Utah lawyer and documents dealer Brent Ashworth, who is thought by some to have been Hofmann’s intended third victim, said that on one occasion during their many transactions (Hofmann is estimated to have sold him more than $200,000 worth of bad documents), he returned photographs of Butch Cassidy and fellow outlaw Matt Warner.10 “They’re fakes” Ashworth said he told Hofmann, because they were mounted on paper inconsistent with the alleged period of the photos. Hofmann obligingly agreed, telling Ashworth that he had bought them from a less than reputable person, about whom they had to be “careful.”11 Ashworth also recalled that during their meetings, Hofmann “expressed an interest” in Western bandits.12

Another indication of Hofmann’s interest in outlaws came from Throckmorton, who said he found “signed Butch Cassidy photographs” among the boxes of evidence removed from Hofmann’s home.13

Furthermore, a 1988 search of Hofmann’s prison cell yielded his handwritten inventory, titled on the front side, “Mormon and Mormon-Related Autographs that I Forged.” Among the list of sixty-one names on that side was Butch Cassidy. On the other side were non-Mormon names, including those of Emily Dickinson, Daniel Boone, and Billy the Kid.14

The letters make their debut

The existence of the original, handwritten copies of the three letters Cassidy allegedly wrote in the United States was discussed in an article by Steve Lacy and Jim Dullenty in the Winter 1984 issue of Old West.15 Nowhere in the article, however, do the authors explain where the
documents came from. Where had these weathered sheets of foolscap been hiding for almost a century? They appeared as if out of thin air.\textsuperscript{16} (Several other Cassidy letters, written during his years in South America, are also discussed in the article, but their provenance is clearly explained.)

Dulienty, who operates a bookstore in Montana, recalled only that Lacy, a Utah school teacher, had supplied the three letters, or at least photocopies of them, when they collaborated on their article.\textsuperscript{17} Lacy said that Salt Lake Tribune columnist Harold Schindler had provided him with a photocopy of the 1890 letter, but that he didn’t know where Schindler, who died in 1998,\textsuperscript{18} had gotten it or who had the original.\textsuperscript{19}

During a subsequent conversation, Lacy volunteered that he had known Mark Hofmann. He said that they had met twice at the Mormon Church headquarters in Salt Lake City, where both had been doing research. He also said they had met twice more “downtown.” Lacy also offered that “Hofmann hadn’t forged as many documents as people thought. He would have had to have been forging night and day for years to have produced all the forgeries attributed to him.”

In particular, Lacy said, “there are some LDS documents that the church claims Hofmann wrote that I believe are authentic, but I have no evidence for this apart from my own opinion.”

Lacy did say, “Hofmann asked me about Butch Cassidy and Matt Warner, casually, perhaps to try to sell me something.” Lacy denied having ever bought anything from the forger. Pressed for more details about his relationship with Hofmann, Lacy abruptly said that he couldn’t remember anything else because he had “suffered a heart attack” and it “had affected [his] memory.”

His memory loss seemed restricted to his relationship with Hofmann, however. He discoursed for another half hour about his visit as a child to Rico, Colorado, in the 1950s; his many chats with Matt Warner’s daughter Joyce in the 1970s and 1980s; his search for Matt Warner’s son Rex’s grave; his search for Butch’s brother Arthur Parker’s grave; and his conversations over several decades with sundry Parker family members and friends, including stories he had heard
that Dan Parker had “impersonated Butch” and “joked around about being” his famous outlaw brother, and that “Butch had attended his father’s funeral in 1938, the year after his sister Lula claimed he had died in Spokane.”

Some ten years ago, Schindler, a respected Utah journalist and historian, related a completely different account of the source of the 1890 letter. In “Discovered: A New Letter by Butch,” published in the Salt Lake Tribune Sunday Magazine, Schindler wrote that Lacy, whom he described as an inveterate document hunter, had discovered the letter:

It was on one of these forays earlier this year that [Lacy] had occasion to be doing business with a collector in early American documents. “We were trading some material on the Wild Bunch. Then he mentioned he owned a letter written by Butch Cassidy. Something he had just located, never been published or publicized.”

According to the collector, he got the letter from a third party who bought a small packet of correspondence from an antique dealer in Logan. The “third party” also had recognized the significance of the letter and wanted a stiff price for it in the resale.

Lacy told Schindler that the letter had not been for sale, but that he had obtained a photocopy in order to help establish its provenance. In a photograph accompanying the article, a somber looking Lacy is displaying the letter: “Steve Lacy’s penchant is uncovering new information on the Wild Bunch of Robbers Roost, especially Butch Cassidy. Lacy has discovered what he believes is a previously unpublished, unpublicized letter written by Parker/Cassidy in 1890.”

So which was it? Lacy got it from Schindler, or vice versa?

Lacy failed to respond to several messages left on his answering machine or sent by e-mail. Finally, he replied by e-mail, but cryptically, in the third-person: “Dr. Steve Lacy is unavailable for telephone calls and e-mails for 4-6 weeks as he had surgery and is in Nev.”

The next week, however, Lacy was located at the school in Utah where he teaches, apparently none the worse for wear. He was surprised by the telephone call. “How did you get this number?” he asked. As for the surgery that had rendered him incommunicado, he said that he was going to Nevada for that “next week.”

Questioned about the other two letters written by Cassidy in the United States that had been featured in his and Dullenty’s article, Lacy said that he had no idea where they had come from. “I don’t remember,” he answered emphatically. But after further discussion, he recalled that he “probably [had] got a photocopy” of the 1896 letter from Cassidy to Mrs. Warner “from Matt Warner’s daughter Hayda.” He had no idea what became of the original of the letter. As for the “Damn you Preston” note, Lacy allowed that he might have seen it at the Utah State Historical Society. He wasn’t sure.

When asked again about the 1890 letter, Lacy repeated his story that Schindler had given him a photocopy.
What about Schindler’s 1893 newspaper article? Lacy with some asperity shot back, “I know what you’re talking about. I didn’t discover the letter. Schindler showed it to me. I had nothing to do with it. I don’t know where he got it.”

“Did it come from Mark Hofmann?” “I have no idea,” Lacy replied.

“So is the entire article false?” “Well,” Lacy said, “I’ve never thought about it that way.”

Didn’t Schindler quote Lacy about how he – Lacy – had discovered the 1890 letter? “The quotes don’t really say that,” Lacy protested. As for the photograph of Lacy displaying his discovery, he said, “but the letter’s a photocopy.” Photocopy or not, the article plainly called Lacy the letter’s discoverer.

Had Lacy ever tried to set the record straight about the article? No. He appeared unconcerned that a feature story in the Sunday magazine of a major Utah newspaper by a venerable Western historian incorrectly credited him with a major outlaw-document discovery that had been, he now says, made by the historian himself.

Lacy had a point, though not the one he was making. It could be argued that the discoverer of the letter was the “collector” with whom Lacy had been trading, or perhaps the “third party” from whom the collector had bought the letter, or even the “antique dealer in Logan” from whom the third party had purchased the letter. But who were these people? Was Hofmann the “collector”? Another reading of Lacy’s tale might lead to the conclusion that they didn’t exist. The puzzle was fast becoming a Cretan paradox.

eBay opens a Pandora’s box

In late 2001, Ashworth had put up for sale on eBay, the Internet auction service, a vintage photograph of Butch Cassidy forged by Hofmann, that is, a modern reproduction faked so as to appear to be a more valuable antique print. Ashworth was selling it, not as an antique, but as a Hofmann fake, an association piece. The image was pasted on a card in the manner of the mug-shot filing cards used by the police in the late 1800s. In his description of the item, Ashworth wrote, “Hofmann had a real interest in Butch Cassidy and his exploits and once sold me a forged letter of Cassidy which later appeared in several Old West magazines.”

In a subsequent communication, Ashworth said that in 1984 Hofmann had sold him “eight or nine other police photos” that had been “created out of whole cloth by Hofmann,” but that he had proffered as “authentic.” As for which was the forged letter he had mentioned on eBay, Ashworth said that he thought it was “the supposed letter of Cassidy to his brother Dan Parker.” But he wasn’t entirely certain. “The letter looks real good and, perhaps, it is authentic, but I really doubt it, since I cannot find a prior owner to Hofmann. The story Hofmann gave me I believe to be a fabrication, just like the letter.” (Ashworth was referring to the same 1890 letter Schindler had described as having been discovered by Steve Lacy in 1983.) Hofmann had “offered me this 1890 letter in 1983 or 1984, as near as I can recall. He said he had acquired it from the Parker family, but I
In a later e-mail, Ashworth said that Hofmann might have told him that he had obtained the 1890 letter from Kerry Ross Boren. Boren is a controversial outlaw-history researcher with a penchant for outlandish tales. He has written, for example, that the Sundance Kid escaped from South America and went to the Middle East, where he trained Lawrence of Arabia in the art of derailing trains and became a devotee of the 12th century Persian poet Omar Khayyam. Not to be outdone by Sundance’s feats, Boren himself claims to be the heir to the throne of Ireland. In 1983, Boren murdered his wife, and he now resides in the same Utah penal institution as Hofmann. Contacted recently via e-mail, Boren said that the 1890 letter was a “known forgery” and that it was “last known to be in the possession of Steve Lacy.”

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<tr>
<th>No.</th>
<th>187</th>
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<tbody>
<tr>
<td>Name</td>
<td>George Cassidy</td>
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<tr>
<td>Alias</td>
<td>Burt</td>
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<td>Age</td>
<td>27</td>
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<td>Height</td>
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</tr>
<tr>
<td>Nationality</td>
<td>New York, NY</td>
</tr>
<tr>
<td>Marks and Scars</td>
<td>Cut above left eye, scar on back of head, scar left</td>
</tr>
<tr>
<td>Arrested</td>
<td>July 15, 1884</td>
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<tr>
<td>Remarks</td>
<td>Discharged</td>
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...was never able to find a family member who said they had seen it.”

Assuming Schindler’s account was true, had Lacy obtained a photocopy of the 1890 letter from Hofmann, the anonymous “collector”? That possibility is suggested by a friend of Lacy’s, who said Lacy had told him the 1890 letter had come from Hofmann. And so had Hofmann forged the letter, and made up the fable of the “third party” and the “antique dealer in Logan”? He customarily provided faux provenances for his forgeries. Or was Hofmann selling an authentic letter that he really had bought from someone else, the mysterious third party?
Some years ago, Jerald Tanner, a well-known critic of the Mormon Church who was one of the first people to suspect Hofmann of forgery, looked into a possible link between Boren and Hofmann, but found nothing. Moreover, during the bombing investigation in 1985, Boren was questioned by police, but they apparently determined that he did not know Hofmann or any other of the principals.

The 1890 letter is the only one of the three that did not appear in print prior to its discovery in the 1980s. At the time Cassidy allegedly wrote it, his brother was in hiding after the December 20, 1889, robbery of a Wyoming stagecoach. Indeed, in his letter Cassidy refers to Dan's being in hiding. Bill Betenson, a Parker descendant who has taken a serious interest in the history of the family, wrote, "While Dan was in hiding he allegedly received a letter from his brother Butch." (Emphasis supplied.) His use of the word "allegedly" suggested that Betenson had doubts about the letter's authenticity.

Cassidy biographer Richard Patterson noted a curious error in the letter's text: The outlaw indicated that "he was living 'in a good house about 18 miles from Lander,'" when in fact his ranch at the time was about 75 miles from Lander.

There is a collateral mystery: If a forger was at work, from what did he copy Cassidy's handwriting? The only other holographic Cassidy document that would have been readily available for public inspection in the late 1970s or early 1980s was a two-page fragment of an August 10, 1902, letter that he wrote from Argentina to a woman in Utah. One of her descendants provided a photocopy of the letter to the Utah State Historical Society in 1965, and soon thereafter the original was donated. Not only is the provenance of this manuscript solid, but Hofmann was only eleven in 1965. His epistolatory career was still some years off.

The 1902 letter, however, lacks a signature page. The 1890 letter is signed "Bob Parker" and "Bob," and has the name "George Cassidy" written in a postscript. The 1896 letter is signed "George Cassidy." Did the forger make up Cassidy's signature out of whole cloth on both letters? Is the 1890 letter authentic and the 1896 letter a forgery—or vice versa? Or did the forger add the "George Cassidy" postscript to the 1890 letter? One of Hofmann's tricks was to alter genuine documents in order to increase their value or to help him authenticate a related deceit.

The 1896 letter is delivered, finally

Craig Fouts, a document dealer in San Diego and photo editor of True West, has been buying, selling, trading, and collecting Western Americana for more than twenty years. At one time or another he has owned all three of the Cassidy letters in question, two of which he had purchased from Ashworth and one from Lacy.

After rummaging through his files, Fouts found some pertinent correspondence. First, in August 1983, he received a letter from veteran Wild Bunch writer and Utah rancher Pearl Baker, who wrote that Lacy had recently sent her a
copy of an 1890 letter from Cassidy to his brother, and that Lacy said that he had the original. Whatever Lacy’s connection with the 1890 letter, Fouts ultimately bought it in 1986 from Ashworth who told him that it had been purchased from a “Logan, Utah, antique dealer.”

Second, Fouts found a May 1985 letter from Lacy himself, offering to sell him the 1896 Cassidy letter to Mrs. Warner, the one Lacy said he never had and didn’t know the whereabouts of. Fouts bought it from Lacy a few weeks later and sold it to a private collector in 1988. Lacy declined to comment on the correspondence Fouts had found linking him to the 1890 and 1896 letters.

As for the text of Cassidy’s 1896 letter to Matt Warner’s wife, it was published in the Salt Lake Herald on September 13, 1896, while Matt was standing trial for murder. The trial had generated a great deal of publicity, including speculation that Cassidy had recently robbed a bank in Montpelier, Idaho, in order to raise money for his friend’s defense. The letter was addressed to Mrs. Rosa Warner, although in her husband’s memoirs he refers to her as “Rose.”

The letter as published was incomplete in three respects. It left out the name of a “Mrs. ______,” who was shuttling messages back and forth between Mrs. Warner and Cassidy, and left “two sentences” relating to “private matters” blank, each marked by three asterisks. The holographic version of the letter indicates that the intermediary’s name was Mrs. Rummel. The other two passages were: “I understand you and Matt named your boy Rex Leroy after me, thank you,” and “I am sorry to hear about your leg.”

Mrs. Rummel, also spelled Romel and Rumel, was Mrs. Warner’s mother. A modern forger could easily have inserted her name along with the allusion to the leg, as both references appear in standard Wild Bunch histories. However, Rex Leroy, the Warners’ son’s name and its homage to Cassidy do not. In fact, historian Charles Kelly has him born after Warner’s trial, not before, which would have tripped up a forger relying on secondary sources. Lacy, however, has said that he was aware of Rex Leroy’s being born before the trial and having been named after Cassidy. Could he have mentioned this to Hofmann during their conversations?

Like the 1890 letter, the 1896 letter is written in pencil. The script appears to the casual observer as being more studied and tentative than the 1890 letter. There are also some unexplained anomalies. Two words are misspelled in the holographic version – “writing” and “party” – that are correct in the Herald’s
text, and a word misspelled in the Herald’s text—“white” for “write”—is spelled correctly in the holographic version. In the former case, did the newspaper’s typesetter correct Cassidy’s misspelling; and in the latter case, did he make an error? Or are these examples of a forger’s carelessness?

A Connecticut auction house pulled the 1896 letter from its June 1987 catalog after learning that “it had been in the hands of Mark Hofmann at one time.” A private collector later purchased it.

Preston, damned or not

In 2000, Fouts purchased from Ashworth the last of the trio of Cassidy documents, the “Damn you Preston” note. He recalled Ashworth’s having said that it had once been owned by the Utah State Historical Society, but that it had been sold by the society in exchange for other items it was more eager to own.

But there are other memories. Jennifer Larson, an antiquarian book dealer in New York who has looked into Hofmann’s non-Mormon forgeries, thought that Ashworth told her that he had acquired the “Damn you Preston” note from Hofmann, who said he had obtained it from the Utah State Historical Society. (She also remembered that a photocopy of the 1890 letter was removed from Hofmann’s home during the 1985 murder investigation.)

More recently, however, Ashworth said he thought that he had purchased the note from Lyn Jacobs, who had told him that he had obtained it from Melvin Smith, who was then at the Utah State Historical Society. Jacobs was a rare book dealer and close friend and business associate of Hofmann’s. In a 1986 interview, when Hofmann was under investigation, but before he was charged with murder and forgery, Jacobs described their relationship: “There were times when Mark and I combined forces, as it were.” On the question of Hofmann’s having forged the controversial Salamander letter, Jacobs said: “If you’re suggesting Mark forged it, it is not possible. Mark Hofmann is not a forger. I don’t think Mark even knows how.” (Subsequent forensic analysis determined that Hofmann had forged the letter.) He denied that Hofmann had forged anything, and suggested that such claims were made by “people [who] just simply don’t like certain documents.”

Rick Grunder, a LaFayette, New York, rare book and document dealer specializing in Mormon history, was close to Jacobs for years and also knew Hofmann. He said that Hofmann took advantage of the naive Jacobs, whom Grunder described as “a nerdy scholar,” to sell his
forged manuscripts. One of his methods, said Grunder, was using unsuspecting friends to unload his frauds. Indeed, until shortly before Hofmann entered a guilty plea, Jacobs held fast to his belief that Hofmann was a close personal friend and a phenomenon of the manuscript world. Crushed by later disclosures of his many crimes, Jacobs complained that Hofmann had defrauded him of more than $80,000, harmed his reputation, and "got less [punishment] than he deserved." Boston document dealer Kenneth W. Rendell, another of Hofmann’s victims, told a Utah newspaper that "Hofmann rarely took credit for his finds. Instead, he’d use friends and associates to sell the documents or sometimes even plant a forgery for someone else to find." Brigham Young University librarian David Whittaker has made the argument that Hofmann’s associates bear some responsibility for the forger’s activities. Indeed, Jacobs’ relationship with Hofmann turned out to be more complicated than he had earlier let on. During the preliminary hearings in the bombing-forgery case, Jacobs said that he had been untruthful about the provenance of the now notorious salamander letter. Hofmann, Jacobs admitted, had asked him to tell potential buyers that he, not Hofmann, had discovered the letter, and so Jacobs had invented a story about finding the letter in New York. Hofmann also paid Jacobs $5,000 from the proceeds of the letter’s sale.

Melvin Smith, from whom Ashworth recalled Jacobs saying that he obtained the "Damn you Preston" note, was the director of the Utah State Historical Society from 1971 to 1985. Contacted recently, Smith, said that he had never heard of Lyn Jacobs, nor the note for that matter, and that in any event the society would never have sold or traded away such a historically important document. The society’s records support Smith’s statement. There is no indication that it has ever even owned an original of the "Damn you Preston" note. All it has ever had was a photocopy.

The text of the "Damn you Preston" note was first published in 1938 in Charles Kelly’s Outlaw Trail. According to Kelly, sometime in late 1899 or early 1900, Douglas A. Preston, Cassidy’s longtime Wyoming defense lawyer, was asked by a prominent Utah attorney, representing the Union Pacific Railroad, to broker a truce with Cassidy whereby the outlaw would renounce robbing trains in return for the UP’s hiring him as an express guard. Preston arranged to meet Cassidy at Lost Soldier Pass, reportedly forty-five miles north of Rock Springs, Wyoming. Preston, however, was delayed by a storm and arrived at the designated spot a day late. Cassidy was nowhere to be seen. About to get back on his buckboard, Preston,

...disgusted with his fruitless effort, savagely kicked at a flat stone lying under the lone cedar where the meeting was to have taken place. Underneath it he found a piece of paper. On it Cassidy had written:

"Damn you, Preston, you have double-crossed me. I waited all day but you didn’t show up. Tell the U.P. to go to hell. And you can go with them."

Preston rode to Brown’s Hole to see
Butch shortly after this episode, but Cassidy wouldn’t talk to him.\textsuperscript{68}

There are slight variations between the Kelly text and the holographic original. Kelly has a comma between “Damn you” and “Preston,” and a hyphen in “double-crossed.” The comma and hyphen are absent in the holographic version. Similarly, Kelly renders one phrase, “you didn’t show up,” while the original has it “you did not show up.” Finally, in Kelly, “And you can go with them” is a complete sentence, while in the original, “and you can go with them” appears to be part of a compound sentence. Did Kelly carelessly copy the note or did a forger carelessly \textit{copy} Kelly?

These are trifling anomalies compared to the circumstances of the note’s writing and discovery, as related by Kelly, which suggest that it is apocryphal. That is, the note might never have existed in the first place. First, it is unlikely that the Union Pacific would have offered a wanted criminal a post as an express guard. Second, Preston was Cassidy’s old friend and defense lawyer. If he had failed to show up for a meeting, which was, after all, out in the middle of nowhere, would Cassidy have immediately accused him of a double-cross and refused to talk to him for months? In fact, wouldn’t Cassidy have weathered the same storm? Third, what about the note? It’s written in ink. Cassidy was carrying a pen and ink in his saddlebags? Doubtful. And the note is not scribbled as it might have been by someone dashing off a message, using a saddle for a desk. The script is careful and neat, as if it had been written at a desk. Fourth, he hid it under a rock? Which just happened to be the rock Preston just happened in his disgust to “savagely kick?” The story of the note is too good to be true, and sounds more like a folktale designed to excuse Cassidy’s later crimes.\textsuperscript{68}

The Hofmann cloud vs. the Cretan paradox

None of the three questioned Butch Cassidy letters has an established provenance beyond the early 1980s, and the narrative of how they came into the hands of document dealers is fogged by conflicting recollections, memory lapses, and a lack of records. None of the three letters has apparently ever been forensically tested. Mark Hofmann’s nimble fingers and those of his associates touched all three. Steve Lacy’s explanations about his role in discovering them—or not discovering them—and his dealings with Hofmann range between the contradictory and the incredible. Was Lacy another Lyn Jacobs, gullied by the cunning forger? Even today, Lacy is one of the few people, in Utah or anywhere, who discounts the extent of Hofmann’s frauds.

One man who could help untangle the mess is Hofmann himself, assuming his statements would have any credence. An inquiry to him at the Utah State Prison in Draper remains, as of this writing, unanswered.\textsuperscript{70}

End Notes

2. Photocopy of 13 August 1890 letter, courtesy of Craig Fouts.
5. Photocopy of “Damn you Preston” note, courtesy of Craig Fouts.

The first three are more on the order of true crime books. Sillitoe and Roberts’ book is the most thorough. Tanner, a critic of the Mormon Church, and Turley, Jr., a church historian, focus on the Mormon forgery side and contain a wealth of documentary material.


10. Brent Ashworth’s encounter with Mark Hofmann had more tragic consequences. His family routine was discombobulated in the aftermath of the 15 October 1985 bombings, and while staying with relatives, his young son suffered a fatal injury in an automobile accident. Sillitoe and Roberts, op cit., p. 102.


13. Ibid., p. 146. Throckmorton and his
colleague, William J. Flynn, a forensic document examiner from Phoenix, made a pivotal breakthrough in the forgery investigation when they identified a peculiar cracking on the ink used on Hofmann's documents, proving that the ink had been artificially aged. See Throckmorton, "Forensic Analysis, in ibid., pp. 547-65.

15. Steve Lacy and Jim Dullenty, "Revealing Letters of Outlaw Butch Cassidy," Old West. Vol. 21, No. 2, Winter 1984. Lacy is a Utah teacher and outlaw researcher. He operates Footprints of the Past Museum, a private collection of outlaw memorabilia, in his Salt Lake City home. He recently edited, with the late Joyce Warner, Last of the Bandit Riders... Revisited (Big Moon Traders: Salt Lake City, 2000), a revised and annotated edition of Matt Warner's memoir, Last of the Bandit Riders (Caxton: Caldwell, ID, 1940). Dullenty, also an outlaw researcher, was in 1984 the editor of Old West. He was a founder of the National Association for Outlaw and Lawman History, Inc. (NOLA) as well as the Western Outlaw-Lawman History Association (WOLA), where he edited this journal. He runs Rocky Mountain House, a Western bookstore in Hamilton, Montana.

16. Larry Pointer, who researched (for a time in collaboration with Jim Dullenty) his Cassidy biography in the mid-1970s, did not encounter a single reference to the holo-
graphic versions of any of the three letters, and in fact, mentions only of Kelly's 1938 publication of the "Damn you Preston" note. See Larry Pointer, In Search of Butch Cassidy (University of Oklahoma Press: Norman, 1977), pp. 165 and 269, n. 2.

19. Steve Lacy, e-mails to author, 19 (two) November, and 3, 17, and 18 December 2001; and Lacy, e-mails from author, 17, 19, and 30 November, and 2, 3 (three), and 18, December 2001.

22. Ibid.
23. Lacy, e-mail to author, 1 January 2002.
25. Ibid.
26. "I am a Cretan; all Cretans are liars." True or false?
27. "Butch Cassidy/Mormon/Photograph Mark Hofmann," item no. 1033349069, ending 24 November 2001, www.ebay.com/. The high bidder, at $90.00, was the author.

28. Brent Ashworth, e-mail to author, 16 November 2001. The trail of the photographs, however, is as murky and tangled as that of the letters. Craig Fouts said his records show that he bought five carte-de-visite size police filing cards from Steve Lacy in 1985. (In May 1986, he mailed the author photocopies of the recto and verso of nine such cards, marked "Pinkerton Detective filing cards in my collection." Craig Fouts, letter to author, 30 May 1986. Among the nine cards is the one the author bought on eBay from Ashworth in November 2001.) Fouts has no records of how he disposed of the cards, but believes he might have later sold or traded them to Ashworth, e-mail to author, 31 January 2002. Ashworth, by contrast, recalls that he purchased the photos from Mark Hofmann in 1984 and later traded them to Fouts, who subsequently returned them, saying they were fakes, that is, of modern vintage. Ashworth does not remember Lacy's involvement in the transactions. Ashworth, e-mails (two) to author, 31 January 2001.

29. Ashworth, e-mail to author, 6 November 2001.


33. Kerry Ross Boren, e-mail from author, 1 February 2002, and e-mail to author, 4 February 2002.

34. The Cretan paradox again.

35. Jerald Tanner, Mr. Boren and the White Salamander (Utah Lighthouse Ministry: Salt Lake City, 10 July 1985). 36

36. See 9 November 1985 Deseret News article quoted in Tanner (1987), op cit., p. 179. In 1984, when news of Hofmann’s so-called “White Salamander” letter was circulating in the Utah media, Boren attempted to insinuate himself into the controversy by claiming that he possessed historic documents that provided new and important information about the letter. Unbeknownst to Boren, the Salamander letter itself was a forgery, an invention by Hofmann. Boren’s “important new information” bore “unmistakable evidence of falsification,” Tanner, ibid., pp. 175-79.

This was not the only time Boren had attempted to insert himself into an historic controversy by claiming he had information that would support something that, in fact, was later determined to have been a hoax in the first place. See Buck and Meadows, op cit.

37. The fact that a manuscript had previously appeared in print made creating a provenance all the easier and the provenance created all the more believable. “Hofmann’s favorite stratagem was to exploit lacunae in the historical record, creating a document that was known to have existed but had disappeared,” Simon Worrall, “The Impersonation of Emily,” Guardian (London), 8 April 2000. But Hofmann was not compulsive on that score. There were other items he hatched out of thin air, including the Emily Dickinson poem. Above all, he was partial to famous names, the high ticket autographs. He liked to study auction house catalogs to see what was selling. Rick Grander, telephone conversation with author, 4 February 2002.


39. Contacted recently, Betenson elaborated: “I don’t know if it is real or not. It still may actually be the real thing. I have always questioned if it is real because of the things we discussed (no history before 1980s, Hofmann, etc.).” As for whether Cassidy's
younger brother was actually in Parowan, as the letter indicates, Betenson had some additional doubts: “I have also questioned that Dan Parker was hiding in Parowan in 1890[,] based on my research.” Betenson, e-mail to author, 5 February 2002.


41. The 10 August 1902 document consists of the first two pages of a letter from Cassidy at his ranch in Cholila, Chubut Territory, Argentina, to Mrs. Davis in Ashley, UT. Davis was the mother-in-law of Cassidy’s pal Elzy Lay. The letter lacks an unknown number of pages, including the signature page. Harv Murdock, Elzy Lay’s grandson, provided a photocopy of the letter to the Utah State Historical Society in 1968, at which time he indicated that his mother might be donating the original. The USHS has no record of when it received the original, but believes that “it was within a few years of 1965.” Janell Tuttle, Utah History Information Center, e-mail to author, 14 January 2002.

42. Fouts, e-mail to author, 2 December 2001.


44. Fouts, e-mail to author, 2 December 2001.

45. Fouts, e-mails to author, 2 December 2001 and 8 January 2002. The unnamed Logan individual might have been A.J. (Jeff) Simmonds, curator of special collections and archives at Utah State University in Logan, who had not only been Hofmann’s friend and mentor, but another of his many forgery victims. Hofmann could have passed a Cassidy document through Simmonds or used his name as a source for it. See Sillitoe and Roberts, op cit., for example, pp. 94-95, 165-67, and 173-76; and Turley, Jr., op cit., pp. 24, 28-29, 31, 37, and 103. Despondent over personal problems, Simmonds committed suicide in 1995 at age 56. See Brian Maffly and Peggy Fletcher Stack, “Did Historian Take Cyanide Before Blast?,” Salt Lake Tribune, 20 June 1995.

46. Craig Fouts, e-mails to author, 7 and 8 January 2002.

47. Lacy did not respond to a 3 February 2002 e-mail from the author asking about the correspondence Fouts had found, and when reached by telephone the following day, said he would have no further comment on the matter and hung up. Lacy, telephone conversation with author, 4 February 2002.


49. Warner and King (1959), op cit., for example, pp. 154-60. Kelly, on the other hand, renders it “Rosa.” See Kelly (1996), op cit., p. 35.


53. Lacy, conversation with author, 30 December 2001. The Warner’s son’s name is given as “Rex Leroy Christiansen” on his death certificate. (His father Matt Warner’s real name was Willard Erastus Christiansen, although some spell it Christiansen.) Rex Leroy was born 1 June 1896 in Vernal, UT, and died 15 November 1912 in Salina, UT. Death
Certificate Copy issued 3 January 2002 by Barry E. Nangle, Director of Vital Records, Department of Health, Salt Lake City, UT.
55. Fouts, e-mail to author, 12 January 2002.
56. Fouts, e-mail to author, 2 December 2001.
60. Hewett (November 1987), op cit.
61. Carter, op cit. In Forging History: The Detection of Fake Letters and Documents (Norman: University of Oklahoma Press, 1994), Rendell devotes a chapter to the Hofmann case, in which he appeared as a prosecution witness. He does not mention, however, that he had been so taken in by Hofmann and his forgeries that at one point he had offered to organize a defense fund for him. See Sillitoe and Roberts, op cit., p. 95.
62. Whittaker proposed that “Hofmann’s network of ‘friends’ surely bear some of the responsibility for his activities. Those who hunted for document deals, those who fed him his history, and those who helped create paper trails for his ‘finds’ were accomplices. . . And we must seriously wonder how Hofmann could forge documents of such quality without some help.” Whittaker, op cit., p. 71.
63. Sillitoe and Roberts, op cit., pp.413-416. See also Turley, Jr., op cit., pp. 79-111, for a more elaborate description of Jacobs and Hofmann’s duplicities with the salamander letter.
64. Janell Tuttle, Utah History Information Center, e-mail to author, 31 January 2002.
65. Melvin Smith, telephone conversation with author, 6 February 2002.
66. Tuttle, e-mail to author, 14 January 2002. The Utah State Historical Society has an undated letter from Warren Anderson, America West Archives, attaching photocopies of Cassidy’s 1890 letter to his brother and the “Damn you Preston” note. Maren Jeppsen, Utah State Historical Society, telephone conversation with author, 7 January 2002. Warren Anderson said he has never had any original Butch Cassidy material, and that whatever was attached to his undated letter, which he vaguely remembers having sent to Gary Topping (then the USHS director), he probably photocopied out of a book, magazine, or auction catalog, or from a copy from Craig Fouts. Warren Anderson, telephone conversations with author, 3, 10, and 14 January 2002.
67. Kelly (1938), op cit., pp. 266-68.
68. Ibid., p. 268.
69. The “Damn you Preston” incident belongs in that partly true, partly folkloric chapter of the outlaw’s life best called “Butch Cassidy Tries to Go Straight But Nobody Will Let Him.” In fact, Kelly’s chapter is “Cassidy Decides to Reform,” ibid, pp. 262-268. For a variation on the same theme, see Frederick R. Bechdolt, Tales of the Old-Timers (Century: NY, 1924), pp. 326-30. Bechdolt’s version is that a sheriff had a meeting with Cassidy up in the mountains, in the dark of night, more than a mile from a “lonely [railroad] station.” At the rendezvous, Cassidy promised to give up robbing trains. Later, he met with Judge Powers to see if he could arrange a pardon, but he told him that was impossible: “You’ve robbed too many big corporations in your time.” Soon thereafter, Cassidy lit out for Argentina. The reality is that he and the Sundance Kid decamped because the law
was closing in on them. Cassidy's judicious biographer calls the story of Powers's attempting to secure a railroad guard job for the bandit, "a little fanciful." Patterson, *op cit.*, p. 306, n. 10.

A.F.C. Greene, in his memoir, "'Butch' Cassidy in Fremont County," (photocopy: 7 June 1940, Wyoming State Archives), pp. 151-17, repeats much of the same Powers story. But chunks of Greene's reminiscences were lifted word-for-word from Bechdolt, giving new meaning to the phrase "mnemonic device." Lula Parker Betenson, *op cit.*, has a chapter entitled, "Bid For Amnesty," pp. 151-60, which tells several heart-tugging tales of her sibling's quest to clean up his act.

Cassidy was so intent on demonstrating his desire to go straight that "he turned in two guns" to a Utah sheriff. Betenson's version of the Preston meeting locates it at "Lost Soldier Pass on the Wyoming-Utah border," which would be at least 100 miles west of Rock Springs, in "October of 1899." Betenson credits the date to Kerry Ross Boren, who said he got it from Agnes Wright Spring.

Betenson recounted that during her brother's fabled 1925 visit to his family home in Circleville, he said "how frustrated he was" that the Lost Soldier Pass meeting "was never consummated." *Ibid.*, p 192. What was undoubtedly never consummated was the 1925 visit. Where is Lost Soldier Pass? The Wyoming State Geological Survey could find no reference to such place, though Lost Soldier Creek, Divide, Lake, Oil Field, and Reservoir do exist, but they are about 100 miles northeast of the area where Kelly had located Lost Soldier Pass; there is no pass forty-five miles due north of Rock Springs. Preston would have faced a three-day ride if the meeting had been scheduled for that region. Lisa Alexander, WSGS, e-mails to author, 25 and 28 January 2002.

Douglas A. Preston died in 1929, several years before Kelly began work on *Outlaw Trail*, and nothing has been found in Kelly's personal papers at the Utah State Historical Society or the Marriott Library at the University of Utah to indicate his source for the anecdote or that he ever had a copy of the note. Richard Patterson believes Kelly might have received the story from Wyoming writer Agnes Wright Spring, who said she was close to Preston when they both worked for the state government. Patterson, e-mail to author, 19 January 2002. In her book, *Near the Greats* (Platte 'n Press; Frederick, CO, 1981), p. 34, Spring wrote that her "interest in Butch Cassidy" developed when she was Wyoming state librarian and historian. Preston, then the state's attorney general, came by her office to reminisce about Cassidy. He spoke of meeting the outlaw "to arrange to protect him legally, after a bank holdup." On the other hand, Kelly doesn't cite Spring in his acknowledgments in *Outlaw Trail*. The best that can be said is that Kelly's source is second-hand, meaning that the text of the note in *Outlaw Trail* is a paraphrase of a document of dubious actuality. So, the "Damn you Preston" message that exists today is probably a modern confection of a paraphrased text of a note that never existed. To borrow from Mark Twain, researching outlaw history is often akin to looking in a dark cellar on a moonless night for a black cat that is not there.


**Tom Waggoner**

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Wyoming. Less that two months later he became one of the suspects, along with Fred Coates, for trying to murder Nate Champion. The Waggoner lynching, the lynching of Cattle Kate and Jim Averill two years earlier, and the attempt on Nate Champion were all precursors of the Johnson County Invasion in April 1892.
Article Jars Loose Additional Information

Dear Editor:

The publication of “Cloud Over Cassidy Letters” in the Spring 2002 WOLA Journal jarred loose additional information. The Utah State Historical Society did have a transaction with Mark Hofmann. In 1983, it traded Hofmann what appeared to have been the page proofs of Matt Warner and Murray King’s Last of the Bandit Riders for a document bearing on the Mountain Meadows Massacre. Hofmann tossed into the bargain a packet of personal papers pertaining to George Montgomery Scott, Salt Lake City’s first non-Mormon mayor. Former USHS Manuscripts Curator Gary Topping told me that he thought that Lyn Jacobs, one of Hofmann’s associates, might have actually handled the transaction. The Mountain Meadows document later turned out to be a forgery. Topping said that as far as he knows, that was the only dealing the USHS had with Hofmann.

The USHS itself could find no other records of communications with Hofmann, but did find a photocopy of Butch Cassidy’s 1890 letter to his brother, Dan Parker, which had been donated by Steve Lacy, who had written on it, “Copyright 1983 Steve Lacy. No copies to be made.” When I interviewed him some months ago, Lacy had denied discovering the 1890 letter and downplayed his connection to it, in spite of the fact that Salt Lake Tribune columnist Harold Schindler had written a story in 1983 crediting him with discovering it, and illustrated it with a photograph of Lacy holding the letter. Schindler’s article was supported by the others who said that Lacy had once had the original of the letter, which some recalled had first come from Hofmann. Why Lacy had attempted to copyright Cassidy’s 1890 letter (a futile gesture because one cannot copyright someone else’s correspondence) is a mystery. Regardless, the letter’s authenticity remains under a cloud.

On a separate matter, in my article I cited a Utah librarian who had argued that “Hofmann’s associates bear some responsibility for the forger’s activities.” I understood that reference to mean those who were working for Hofmann, not dealers or collectors, such as Brent Ashworth, who had been victimized by him.

Daniel Buck
Washington, DC

Correction

In the Fall, 2002, WOLA Journal article “Whispering Smith vs Bat Masterson,” Lawrence R. Reno’s name was listed incorrectly. We regret the error.