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Dan O'Brien

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Flyover Fiction

Series editor: Ron Hansen

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Stolen Horses

Dan O'Brien

UNIVERSITY OF NEBRASKA PRESS
LINCOLN AND LONDON

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Designed and set in
Bitstream's Iowan
Old Style by R. W. Boeche.

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Since Erwin Benson was a young man he has been an early riser. Belief that the darkness would cease and that the sun was on its way made him hopeful and was as close to religion as he ever managed. From time to time he wished he could believe in more. He always knew that such a leap would have made life easier, but he could never take that leap and had to settle for the predawn. His early morning ritual has served him well enough. He was eighty-five years old and still working. Already this morning he made his way in the dark from his house on Calvert Street to his office in the Lakota County courthouse. He moved through the inky air like a blind man in his own home, navigated by the scent of waning lilac and columbine. By feel he found the office key on a ring of many. Without switching on the light, he puttered with the coffeepot and wandered the three rooms of the county prosecutor's office waiting for it to perk. He glanced out the window and was pleased to find the darkness still exhilarating. There was still the sense of risk. There was a chance that today was the day the sun would not rise. Rising early was an act of faith.

When he finally turned on the light, the rooms illuminated dimly, as if by candlelight. Erwin stood in the yellow glow of the overhead and stared at the small statue of the town's founder, Henry McDermot. The statue had been on his bookshelf for a very long time. Long enough that he couldn't remember how it had come to him or who had sculpted it. The bronze had taken

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on a rich, green patina, but Henry McDermot was still middle-aged and he still sat a rangy cowpony like the ones Erwin could remember. The horse and rider appeared to be looking out over what Erwin had always figured was the valley of the Pawnee River. The legend was that Henry McDermot and his cowboys were bringing a herd of longhorns up from Texas in the late nineteenth century and found the fertile valley full of Indian horses. There was a smile on McDermot's face as if he was just then seeing the valley and the horses for the first time. There was a fight, a dozen dead Lakota warriors, and McDermot ended up with the valley, the horses, and the naming rights for the town that came soon after. Erwin Benson ran his long, liver spotted fingers over the cold bronze. He looked hard at the statue of Henry McDermot and considered the irony of having a bronze of the country's first felon in the office of the county prosecutor.

He let his old hand settle to the surface of his oak desk, touched the piles of papers, and sniffed the air for coffee, but all he detected was the ancient trace of cigar smoke. He used to love a good cigar but had to quit. He wasn't sure why he quit. What were doctor's orders to a man old enough to remember horses? He glanced back at the statue of McDermot, and horses filled his mind. Personally, he never liked them much, but he was aware that they ran in the blood of human beings and that Lakota County had had a special relationship with horses since before the county was organized. When Erwin was a boy, even though most of the country was running on gasoline, Lakota County still ran on horsepower. Interspersed with the Model A's, horses lined the streets of McDermot on Saturday nights: thin little cow ponies, long-legged saddle horses, bucket-footed plow horses pulling family wagons. Horses were there from the beginning. They were there with the Lakota before white settlement. They were the first sign of power and status, and at once the last gasp of mobile wealth and the first sign of stationary empire. He knew full well that everything,

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even the big things, changed in cycles, and that there was a good chance that horses would return. He had lived through most of the great orgy of cheap gasoline and never had to deal with horses. That suited him just fine, but he knew there were others who would be happy when the cars ran out of fuel. Erwin thought about this as the coffee began to perk. He supposed there were genes for loving horses and that most of the old-time citizens of Lakota County inherited those genes from their forebears. The genes would be intact when they were needed again.

That got him thinking about what else had been passed down from Lakota County forebears—an insuppressible work ethic, honesty, faithfulness, racism, cruelty, greed. Of all people, perhaps Erwin Benson best knew that the inheritance of his fellow citizens was a mixed bag. Since he began his career, his job had been to keep a lid on four generations of Lakota County men and women. He was the oldest serving prosecuting attorney in the state of Nebraska by ten years. He'd been in office for nearly sixty years, but until recently there was no one who really wanted the job. He ran unchallenged nine times. Even when there was a Republican governor he managed to win reelection. Of course things were changing and he expected to be opposed vigorously next time around. There was a new attorney in town, John Tully. Nice young fellow, Erwin supposed. Smart, rich family from over around Omaha. Perfect hair, pressed suits, squeaky clean, lots of smiles. A young, single, wealthy, well-connected attorney who was going places.

"Humph!" Erwin said aloud. Standing at the window with the rising morning light on his rumpled brown suit and the tingle of whiskers on his cheeks, Erwin suddenly felt impoverished and frightened. It is a feeling that has swept over him since he was a boy. He has learned that it doesn't last long. That it goes away if he refuses to think about it.

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He was born in 1915 to the owners of the local mercantile, Erwin and Sally Benson. Through the years some people who knew his father called him Junior, but Erwin never liked it. His dislike must have shown, because from the beginning his enemies called him Junior to try to get his goat. He knew enough to ignore them, but they reveled in the contempt on his face. Except for the two years he spent at law school in 1932–33, he had lived in McDermot his whole life. Married a local girl, Lucy Adams, and loved her still, even though he buried her ten years before. They raised three good kids—gone off to Minneapolis and Chicago because there was nothing for them in McDermot. There were grown grandkids now, about the age of Erwin and Lucy Benson when they came back from Lincoln after law school.

They were back in McDermot in time for Erwin to practice law for a couple of years before the rains stopped completely. After things dried out it took only a year for his practice to go bankrupt. By then there was a little daughter to think about, and he was looking for work out of state when Governor Hanes appointed him prosecutor in 1937 because there was no one who would run for the job. He had been the youngest prosecutor in the state then, and now was the oldest. Of course, in the beginning the job was to foreclose on farmers and ranchers for the banks. But Erwin Benson wouldn't do it, and that was the first time politicians in Lincoln got mad at him. There was an almost immediate movement to remove Junior Benson from office, but he held on until his term was up, and by that time he had felt the first stirrings of an independent orneriness he would later become famous for. He informed the political machines that he had gotten to like the job and ran for another term. In those days there were more farmers and ranchers than there were bankers and politicians, so he won by a landslide.

In the last few elections his margins of victory had narrowed, but

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if for no other reason than longevity and that famous orneriness, he was still a force in Lakota County. He had some power.

The coffee was perked and the usually stale office now smelled of rich French roast. Linda Anderson, his secretary, assistant, and political advisor of thirty years, would be there in an hour, and by then he wanted to have two briefs read. She'd start tidying up the instant she arrived and the stillness would evaporate. Mornings were his time to think, and as he poured his first cup he wondered if he had ever really craved power or if it had just collected on him from the years. He couldn't recall a time when, at the back of his mind, he didn't have the desire to stick it to the sons of bitches. He knew that was a species of power-craving, but the question Erwin wrestled with as he sat down at his cluttered desk was, how do you know the sons of bitches from everyone else? It was a tricky question, and he was aware that a lot rode on the answer. Some would say that *he* was the son of a bitch, and that bothered him. But he didn't let anyone know it bothered him—that was very important. He tried to use his power judiciously. Tried to prosecute the guilty parties and tried to make sure they paid for their crimes. Usually his job was straightforward: the bad guys broke the law and he made them pay. But sometimes the good guys broke the law and then he had to decide if they should be prosecuted or not. That approach worked much better when Lakota County had only two thousand inhabitants. Everyone knew the good guys from the bad guys back then. But the coast people had discovered McDermot. The rest of the county, the ranches and the little towns, were dying on the vine, but outside money had found McDermot. The population was growing by ten percent a year. The decision to prosecute was hard, and sometimes Erwin Benson wrestled with it for weeks.

He was fully aware that the determination of guilt is supposed to be left to the judiciary. The way it is laid out in ninth-grade civics class is neat and simple. Even law school makes it seem

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clean. But the real world was sometimes very different. He considered the real world as he sipped his coffee and looked out his window at the brightening sky. He smiled at the solid evidence that the sun was going to rise once again. Then he looked to the clutter on his desk and began rummaging for the briefs he had been wanting to study.

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