

# CRIMINAL



## **Episode 127: The Reverend** **Air Date: November 11, 2019**

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**Harper Lee:** In small town life and in rural life, one knows one's neighbors. [music comes in] Life is slower there. We simply entertain each other by talking. It's quite a thing if you've never gone or if you've never known a southern small town.

**Phoebe Judge:** This is Harper Lee, speaking to WQXR, a New York radio station in 1964.

**Harper Lee:** The people, they are not particularly worldly wise in any way; but they tell you a story every time [laughs] you see one. We are oral types [laughs]. We talk.

**Phoebe:** Harper Lee was born in 1926 in Monroeville, Alabama. She's best known for her book, *To Kill a Mockingbird*. She submitted the completed manuscript to a publisher in 1959. Five days later, she packed her things and moved to Garden City, Kansas to research a crime that had been making national headlines. The Clutters, a wealthy family of four had been murdered. She went with her childhood friend and next-door neighbor, author Truman Capote. He'd invited her to be his research assistant. They

agreed on a fee of \$900. She was excited to work on nonfiction – to learn how to tell a true crime story. She later told a reporter, "The crime intrigued him, and I'm intrigued with crime. And boy, I wanted to go."

**Casey Cep:** So, if you go to the New York Public Library, you can look in the Capote archive at these extraordinary reporting notes that Harper Lee made for Truman Capote in 1959 and 1960 during their first few reporting trips in Kansas.

**Phoebe:** Author, Casey Cep.

**Casey:** And she's an incredibly scrupulous reporter. She made these very detailed notes for him.

**Phoebe:** Truman Capote published a series of pieces about the Clutter murders in the *New Yorker*. Then later expanded them into a book, *In Cold Blood*. Harper Lee had spent six years helping him research and shape the book. And her role was widely known to the people in Kansas. But Truman Capote never acknowledged that she'd helped report or tell the story. Some people have speculated that he didn't give her credit because he was jealous. *To Kill a Mockingbird* had made Harper Lee famous. She won both the National Book Award and the Pulitzer Prize. Here she is in 1964:

**Harper Lee:** Well, my objectives are very limited. I simply go to do the best I can with the talent that God gave me, I suppose. I would like to be the chronicler of something that I think is going down the drain very swiftly. And that is small town, middle-class Southern life. In other words, all I want to be is a Jane Austen of south Alabama. [music fades out]

**Phoebe:** In 1977, people in Alexander City, Alabama began to see Harper Lee around their town. A man named Robert Burns had gone to a funeral and shot someone in the head. [music comes in] In the middle of the day. In front of 300 people. He didn't deny it. His lawyer didn't deny it. And Harper Lee thought it might be time to write her own true crime book.

I'm Phoebe Judge. This is Criminal.

Robert Burns was on trial for the murder of Willie Maxwell. Both men were middle-aged, both were African American. Newspapers reported that on his way to jail, Robert Burns told the police officer, "I had to do it. And if I had to do it over, I'd do it again." His defense attorney was a man named Tom Radney. In his opening statement. Tom Radney told the jury, "We admit he killed him. And we admit he shot him three times. And we admit he died as a result of the gunshot wounds that Robert Lewis Burns put in him."

**Harper Lee:** It's basically a prosecutor's dream. He just admits to everything and says, you know, 'we're not going to dispute any of these facts, but we're going to try and contextualize them. And we're going to give you a reason.' And of course, that is a bold strategy.

**Phoebe:** Willie Maxwell was a well-known minister. Most people called him "Reverend Maxwell." And by the time he was killed in 1977, everyone knew who he was. As one local paper reported, "The attraction of the case is expected to be generated more by Reverend Maxwell's life than by his death." [music fades out] Six people who had been close to him had died in seven years. Most of them family members. In each case, there were rumors that Reverend Maxwell had been involved; but the police could never prove it. People were afraid of him. He was born in Coosa County, Alabama in 1925. He was drafted into the army during World War II where he became a sergeant. When he returned from the war in 1947, segregation limited his access to jobs that paid well. He worked several jobs at once in the timber industry, at a rock quarry, and in the same textile factory that manufactured the uniforms that he'd worn in the army. He married a woman named Mary Lou Edwards.

**Casey:** So, they got married in 1949 and they stayed married until 1970. And by all accounts, the kind of outward account of their marriage was one that was happy and faithful. So, the beginning of their marriage isn't as notable as what happened several decades into it, in 1970. [music comes in]

**Phoebe:** Casey Cep says that Willie Maxwell was gaining a reputation as a charismatic and charming preacher. He was sometimes invited to various congregations and to speak at revivals. He had been ordained in 1962 and went on to get a certificate of theological study from Selma University. On August 3<sup>rd</sup>, 1970, he was invited to preach at a revival in the nearby town of Auburn.

**Casey:** And supposedly spent most of that night preaching and left his wife at home shelling peas. And had told her to leave the phone on the hook because he was going to call when the revival had ended and he was on his way home, so that she would know. And what he says happened is he called home and she never answered. And then when he finally got home from Auburn, she wasn't there. And he didn't know what had happened to her. But he figured she was visiting a sister which she did quite often and so he went to bed. And it was only several hours later when he woke up and she still wasn't home that he began to worry.

**Phoebe:** Reverend Maxwell called Mary Lou's mother and sister. They hadn't seen her. Then he called their next-door neighbor, a woman named Dorcas Anderson who was very close with Mary Lou. She had seen Mary Lou, but much earlier in the day. Then he

called the police. He said he thought his wife may have been in a car accident. He said they might go look on Highway 22.

**Casey:** That very night they found Mary Lou Maxwell dead several miles from her home. She was in her car. But what had looked from the outside of the car like a car accident, wasn't that at all. And her body was quite beaten and quite disturbed.

**Phoebe:** The Maxwell's neighbor, Dorcas Anderson, told police that Mary Lou Maxwell had been worried and anxious all that day. And that she'd come over that night saying that Willie had called because *he'd* been in a car accident. Dorcas Anderson told police that Mary Lou said that Willie needed her to go get him. This was the opposite of what the Reverend had told them.

**Casey:** When they began asking questions about the Reverend, they also learned that the marriage was not as happy as it had seemed in the kind of public facade offered by the Reverend to these congregations and to these places where he was invited to preach. And quite quickly, they were told that the Reverend had been unfaithful to his wife and that there were several women. And there was reason to believe that the marriage was not nearly as happy as the Reverend had led folks to believe. And when the police went to speak with some of Mary Lou Maxwell's siblings, in fact, one of the various sisters the Reverend said she had probably been visiting that day, that sister said almost right away that she thought the Reverend had been involved and that probably he had murdered her sister.

**Phoebe:** In the weeks after Mary Lou Maxwell's death, Willie Maxwell began to write letters to life insurance companies asking for his checks.

**Casey:** There was a kind of technical legal dispute over whether or not homicide constituted accidental death because he held all of these accidental death policies on his wife, which again, at the start of things isn't odd in any respect. Obviously, many of us insure our spouses and it's considered good family planning to make sure that if you were to die, that your family would be provided for. But in the case of the Reverend, there were actually a large number of policies and some of them had been taken out not long before his wife's murder.

**Phoebe:** Willie Maxwell's trial for the murder of Mary Lou Maxwell began and ended on the same day. He hired a lawyer named Tom Radney to defend him. The neighbor, Dorcas Anderson, was slated to be the star witness because she was the last person to see Mary Lou alive. The prosecution expected her to repeat what she told police. But when she took the stand, she told a different story. [music comes in] She testified that there was no way Willie Maxwell could have committed the murder. Later, when Dorcas Anderson was called to testify in one of Willie Maxwell's civil lawsuits against the life insurance company, she introduced herself as Dorcas Maxwell.

**John Denson:** And I told her too, well, I had told the jury before on the opening statement that, 'You're going to have a preacher here. And don't let that affect your ability to find him guilty of murder because he was preaching on Sunday and killing on Monday.'

**Phoebe:** This is John Denson. He represented an insurance company in one of Willie Maxwell's civil lawsuits. His job was to prove that if Willie killed Mary Lou, the life insurance policies he taken out on her would be invalid.

**John:** So, I put her on and I told her to tell the jury her name. And she said, "I'm Mrs. Maxwell." And I said, "Ms. Anderson, you've changed your name?" And she said, "Yes." I said, "Well, who are you married to?" She said, "I'm married to the Reverend." "I see you've married Reverend Maxwell. When was that?" And she told me a date. I said, "What happened to your husband?" "Well, he died suddenly." And, I said, "Well, alright. Will you tell the jury what you saw on the night of so-and-so?" And she said, "No. I refuse to testify against my husband." So, [laughs] that was my case. And I had no witness really to refute his testimony. So, it was undisputed in testimony for the jury that he was not at the scene of the murder.

**Casey:** Between when Mary Lou Maxwell had been found murdered and the Reverend's trial for her murder, Dorcas Anderson's husband had died under what some folks in the area felt were suspicious circumstances. And after his death, she then married the Reverend.

**Phoebe:** Dorcas Anderson's husband had ALS. His doctors thought he had years to live, but in May of 1971, he suddenly died. No autopsy was performed. The cause of death was listed as "pneumonia."

**Casey:** There was a tremendous amount of gossip about how the Reverend had gotten away with all this and how he had made so much money. The folks around Lake Martin really start to talk about the Reverend and they no longer think that he's just a hardworking mill worker or a gifted preacher. They start to wonder if he's not a voodoo practitioner.

**Phoebe:** The suspicious deaths continued. In February 1972, Willie Maxwell's brother was found dead. Attorney, John Denson:

**John:** So, his brother, John Columbus Maxwell, was found in an unconscious, highly intoxicated condition of 0.41, which is deadly. I mean, 0.08 is the level. And people said there's no way the man could have drank that much by himself. He would have passed out. So, the suspicion was that he'd been forced... the whiskey had been forced down him.

**Phoebe:** In May of that year, Dorcas Anderson and Willie Maxwell had a child. And then, in September, Dorcas Anderson was found dead. She was found in her car on the side of the road, just as Mary Lou Maxwell had been found.

**Casey:** Once again, her car was found abandoned on the side of a road in what seemed to be a staged car accident, although the external damage to the car did not at all explain the contents of the car, which was her body had turned over in the front wheel well in a kind of unnatural position that the police, once again, felt certain had been staged.

**Phoebe:** The police were not able to prove that any crime had occurred. Coroners ruled that Dorcas Anderson died of natural causes. Willie Maxwell was free to go. And free to begin requesting payment on the seventeen life insurance policies he'd taken out on a second wife. He collected. \$80,000.

**Casey:** By April of 1973, when he succeeded in getting the last one of these payouts, he had managed to cobble together, \$1,000 here, \$3,000 there, \$5,000 there. So, actually a large number of policies, seventeen in total, to get that \$80,000.

**Phoebe:** The life insurance industry began in earnest after the Civil War. Casey Cep says that by 1920, there were almost as many life insurance policies as there were Americans. And she says that by the time Willie Maxwell was taking out policies, the industry had become large, lawless, and lucrative. It was easy to take out a policy and easy to do it without anyone knowing.

**Casey:** You know, you could walk into a bar and there might be a matchbook. And when you opened it, it had the five questions you had to answer. And for a quarter, they would give you a thousand-dollar policy. And these burial policies were very popular because for people, for working class people, all they really needed was enough money to cover their funeral and burial. And that meant they wouldn't be a burden on their loved ones even if they weren't a kind of profitable death. And so, company after company around the country offered these kinds of lower denomination policies. But the expectation was you would only have one. And not that you would have seventeen on the same person. Willie Maxwell had policies on everyone: his mother, his aunts and uncles, nieces and nephews, even his own infant child. So, if he knew your date of birth and he could somehow get a hold of your social security number, he would mail away the reply card. And for a quarter, for 50 cents, for 75 cents, for a dollar, he would initiate these policies. And it was, it was a full year before you had to pay a renewal fee. So, for about a year, he would hold truly these insurance policies, where in the event that that person died, for a quarter, he had made a thousand dollars. Or for 50 cents, he had made \$3000.

**Phoebe:** Eventually, life insurance companies started to catch on.

**Casey:** So, when these companies, when these insurance companies started to realize what was happening, they of course tried to stop payment. And what happens then is what happens today in the event that you have a policy with Nationwide and your loved one dies, and they try to stop payment. [music fades out] You have to take that insurance company to court. And that is what Tom Radney did on the Reverend's behalf. And, again, he did it for the \$1,000 policies and he did it for the \$20,000 policies. And these cases went before juries and the matter at hand was not only whether the policy was applicable or enforceable, but also to some extent whether some of these double indemnity clause applied and just how much money the Reverend was going to get. 'Cause as far as the insurance companies were concerned, he deserves \$0. And as far as the Reverend was concerned, he was owed double the face value of any of them. And so, he succeeded most of the time in getting at least half of the face value of the policies. And you know, that happened death after death. And a lot of people around Lake Martin were not only apprehensive of the Reverend Maxwell, they were apprehensive of his lawyer. And so lucrative was the business of representing the Reverend Maxwell that when Tom Radney built a new law office, folks around Lake Martin called it "The Maxwell House." And he was really one of Tom Radney's most notorious clients.

**Phoebe:** Tom Radney filed so many lawsuits on Willie Maxwell's behalf that he was running out of potential jurors. Casey Cep writes, "It seemed there was hardly a man or woman who had not heard the Reverend plead his case against one insurance company or another." Casey Cep interviewed Tom Radney before his death in 2011.

**Casey:** And for a long time, Tom insisted on the Reverend's innocence. And as far as the legal system was concerned, he was owed all of this insurance money. And it didn't matter that there was this pattern of death that followed him, or this kind of profitable side to all of these deaths. But, you know, Tom was just doing his job as a lawyer and he represented anyone. So, why wouldn't he have represented the Reverend Maxwell? And while we were talking about it, he would say, "Of course, a lot of African-Americans were denied the kind of legal representation they deserve." [music comes in]

**Phoebe:** In 1976, Willie Maxwell's nephew, James Hicks, was found dead in a car on the same road where Dorcas Anderson's body had been found. The medical examiner said there was nothing, quote, "which would adequately account for the death of this subject." At this point, five people closely associated with Willie Maxwell had died. He got married again. His third wife was named Ophelia Burns. They lived with two children, the son Willie Maxwell had had with Dorcas Anderson, and a teenage relative of Ophelia's named Shirley Ann Ellington. In 1977, Shirley Ann Ellington was found dead a mile from their house. She was sixteen.

**Casey:** What the police thought when they arrived at the scene was that she had maybe been changing a tire. The lug nuts were removed, and the wheel was off the axle. And Shirley Ann was under the weight of the car. And once again, that was very quickly disproved by their investigation. It had just been staged that way. And then, actually she had been— the coroner's finding was that she had been strangled to death that day in June. And once again, after their initial investigation, the police thought the Reverend was the most likely suspect. And this was a tremendously difficult time for the folks around Lake Martin. [music comes in] It wasn't just that Shirley Ann Ellington was sixteen, which was obviously a scandal in its own right; it was of course, the fact that here again was another one of the Reverend's relatives found dead under very similarly suspicious circumstances. And there was real terror and fear. And again, I think that inevitably, when you look back at crimes like this, there's a kind of elegance in hindsight that makes things seem obvious. But for the people who lived in this part of Alabama, this started in 1970. And here by the summer of '77, it just seemed like things were accelerating and it seemed more and more like there was nothing the police could do.

**Phoebe:** On June 18<sup>th</sup>, 1977, the funeral for Shirley Ann Ellington was held at House of Hutchinson Funeral Home in Alexander City. People didn't expect Willie Maxwell to come. But he did, with his wife.

**Casey:** Three hundred people were gathered into that funeral home and they were already on edge and they were already afraid, and they were all on top of the kind of straightforward earthly rumors about murder and methodology. There was this heightened fear around the kind of supernatural stories people told about the Reverend. And some people said he was wearing a bulletproof vest. And some people said he had more powders and poisons on his body. And some people said you couldn't even look him in the eye. So, all of this was happening in this kind of saturated space of the funeral home. And there was so much talk. And so, at Shirley Ann Ellington's funeral, near the end of it, one of her sisters had been crying and had gone up to the casket to see her sister and cried out from the back of the funeral home, "You killed my sister and now you're going to pay for it!"

**Phoebe:** One of Shirley Ann Ellington's relatives, a man named Robert Burns, stood up in the pew behind Willie Maxwell, and fired three shots directly at his head.

**Casey:** You know, it was a totally chaotic scene when the shots were fired. And people didn't know what was happening and they didn't know where to go. And there was a kind of stampede to get out of the funeral home. And people on that street were instantly told Will Maxwell had been shot, you know, *the Reverend's been gunned down*. And so, obviously there are three hundred witnesses to this murder to some extent. There were that many people there and some of them were so scared, they couldn't count the shots. And others of them claimed to have waited outside the funeral



home to learn more about who had done it. And once word spread about who had fired the shots, it was immediately explicable to people why. And to some extent, there was a kind of instant narrative about this vigilante, is a man named Robert Burns.

**Phoebe:** Robert Burns was arrested. When he was asked why he did it, he said he was worried about the safety and wellbeing of the people around Lake Martin. He said he didn't want anyone else he loved to be murdered. *The Montgomery Advertiser* reported that people felt a, quote, "sense of relief that Willie Maxwell was dead."

**Casey:** So, after Shirley Ann's funeral, you know, if you can believe it, the Reverend's funeral was even larger because there were so many people who came just to make sure he was really dead.

**Phoebe:** District Attorney, Tom Young said that the case against Robert Burns would be, quote, "Treated as an out and out murder." Robert Burns hired Willie Maxwell's longtime attorney to defend him.

[to Casey]

Tom Radney takes this case.

**Casey:** Yeah. I mean, one of the kind of— there are so many oddities and idiosyncrasies about this case. And it's not just the complexity of the insurance fraud, and it's not just the kind of deep weirdness of the investigations, and the failure to reach a kind of straightforward cause of death determination, and the— just the— all of those kinds of ins and outs of what people knew and when they knew it, and who was related to whom in this sort of business. Yes. One of the kind of oddest things about this case is right away when the Reverend is gunned down, Tom Radney, this lawyer who spent so many years representing him, decides to take the case of the vigilante who murdered him. Obviously, a lot of people wondered what was going on. Was he going to really defend Robert Burns? Was this an effort to protect the Reverend's reputation after his murder? Was it an effort to rescue his own reputation? You know, a lot of people thought, well, maybe Tom Radney was just trying to change the narrative about who he was and the kinds of cases he would take. That this was his way of atoning for all the years he had represented the Reverend and all the money he had made.

[as narrator]

**Phoebe:** The District Attorney, Tom Young, and Tom Radney had argued against each other many times in court before. Tom Radney had to figure out what - if any - defense he could make for Robert Burns. And what defense Tom Young wouldn't see coming. He decided to move forward with the defense of not guilty by reason of insanity.

**Casey:** He had at this defense partly because, even though it was before an official diagnosis of PTSD even existed, Robert Burns had served in Vietnam and had, like a lot of men who served in Vietnam in combat, had had a very harrowing experience and had lost another nephew during Vietnam and had seen many of his— many of the men in his unit die. And actually, the episode in the church— the chapel when Robert Burns murdered the Reverend was just a PTSD episode. And that he had just been temporarily insane in that moment and not able to distinguish between right and wrong. And that was what led him to murder the Reverend. And he could not be held responsible because it was just an episode of PTSD.

**Phoebe:** Tom Radney also reminded the jury about all of Willie Maxwell's own relatives who had died under mysterious circumstances. According to the *Alabama Journal*, Radney question witnesses continually about Maxwell being an alleged voodoo practitioner and his involvement in the five deaths.

**Casey:** He was just trying to remind the jury that a very bad man had been killed and a very bad man who was menacing the community in a way the police couldn't stop was finally stopped by his client. [music comes in]

**Phoebe:** Harper Lee was in the courtroom. She'd met Tom Radney a year before at the Democratic National Convention. They'd gotten along. He sent her a summary of the case and she was intrigued. She set up camp in Alexander City. In the end, Robert Burns was found not guilty by reason of insanity. Tom Radney had won the case. And Harper Lee got to work.

**Casey:** It's pretty incredible. You know, she did exactly what she had done with Truman Capote out in Kansas when he was working on *In Cold Blood*. And when they were investigating the Clutter murders together, she got to know the lawyers who were involved in these cases; and looked for evidence and primary source documents, and went to the department of vital statistics, and obtained death certificates and birth certificates, and paid the court reporter for a full transcript of the Burns trial, and went and interviewed, you know, relatives of the Reverend and relatives of the Reverend's victims, and just scooted around town busy as a bee for almost a year.

**Phoebe:** After the trial, Robert Burns was briefly institutionalized at a psychiatric hospital in Tuscaloosa. A psychiatrist who evaluated him said, "In a way, killing Willie Maxwell was the sanest thing anybody did all summer. Why, I probably would've killed that man myself." When Robert Burns was released from the hospital, Harper Lee interviewed him twice. She met with the family members of the people Willie Maxwell had allegedly killed. Tom Radney gave her a suitcase full of documents: insurance paperwork, legal briefs – everything he had relating to Willie Maxwell. He told her to

keep it as long as she needed to write her true crime book. She was calling it "The Reverend."

**Casey:** When she had finished the reporting of "The Reverend" and tried to do the writing, it seems to have become difficult in the way that all writing projects had been difficult for her. And even worse than that, she was one of these writers who had strong feelings about how serious writing had to be difficult and that you had to struggle for it. And, you know, she would go around quoting Gene Fowler saying that writing was what happened when you sat down to the typewriter and waited for your forehead to bleed. And I just think that can be such a self-reinforcing notion about writing. So, however optimistic and excited she was when she was in Alexander City, when she left, she really struggled with the book.

**Phoebe:** Over the years, people have said all kinds of things about the status of "The Reverend" and whether the book exists at all. In 1997, twenty years after Willie Maxwell was killed, Tom Radney said that he and Harper Lee still spoke twice a year. And that each time she told them the book was still in progress. Others have said that Harper Lee told them the book was nearly done, that it just needed an ending. Someone said the book was finished and locked in a trunk. Someone else said they'd read it and it was even better than *In Cold Blood*. Casey Cep writes that Harper Lee was so elusive that even her mysteries have mysteries. [music comes in]

Harper Lee died in 2016.

**Harper Lee:** I'm a slow worker. I'm not a— I think a steady worker. You know, so many writers don't like to write. I think that that's their chief complaint: they hate to write, they must. They do it under the compulsion that makes any artist what he is. But they really don't enjoy sitting down and trying to turn it all into a reasonable sentence. But I do. I like to write and sometimes I'm afraid that I like it too much because when I get into work, I don't want to leave it.

**Phoebe:** Casey Cep's book about Harper Lee and Willie Maxwell is called *The Furious Hours: Murder, Fraud, and the Last Trial of Harper Lee*.

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