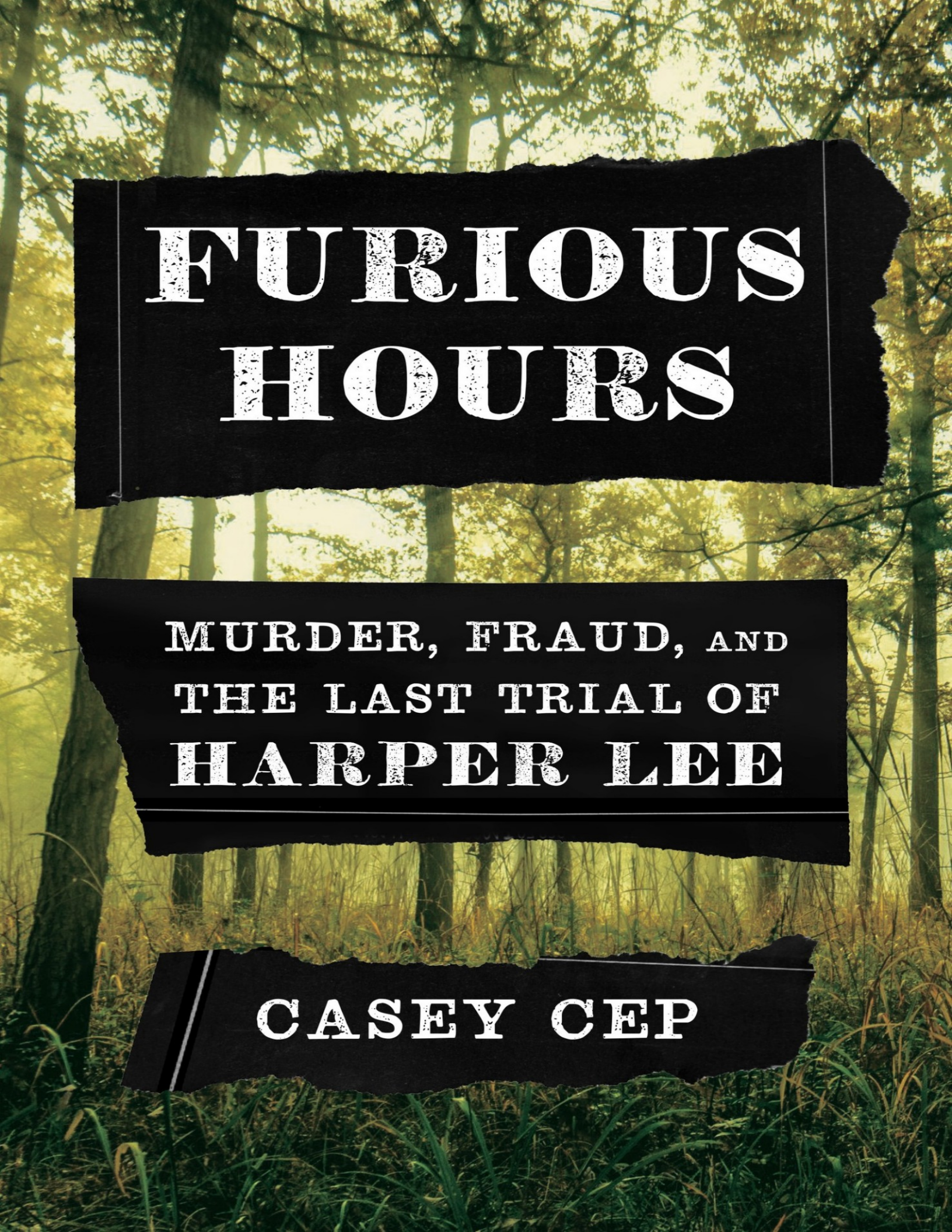
FURIOUS HOURS
MURDER, FRAUD, AND THE LAST TRIAL OF HARPER LEE
CASEY CEP

Furious Hours

Murder, Fraud, and the Last Trial
of Harper Lee

Casey Cep

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For my father and my mother,

who gave me a pocket watch,

then taught me to tell time

and everything else

We are bound by a common anguish.

—*Harper Lee*


TENNESSEE
GEORGIA
MISS.
ALABAMA
Gulf of Mexico
Anniston
Birmingham
Tuscaloosa
Alexander City
See inset below
Selma
Montgomery
Eufaula
Monroeville
Coosa River
Tallapoosa River
Lake Martin
Alabama River
N
W
E
S
0
25
50
Scale of Miles
New Site
Kellyton
Coosa County
Alexander City
Rockford
Tallapoosa County
Cottage Grove
Nixburg
Dadeville
Camp Hill
Elmore County
Eclectic
Auburn
Elmore
Wetumpka

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| Prologue |

Nobody recognized her. Harper Lee was well known, but not by sight, and if she hadn't introduced herself, it's unlikely that anyone in the courtroom would have figured out who she was. Hundreds of people were crowded into the gallery, filling the wooden benches that squeaked whenever someone moved or leaning against the back wall if they hadn't arrived in time for a seat. Late September wasn't late enough for the Alabama heat to have died down, and the air-conditioning in the courthouse wasn't working, so the women waved fans while the men's suits grew damp under their arms and around their collars. The spectators whispered from time to time, and every so often they laughed—an uneasy laughter that evaporated whenever the judge quieted them.

The defendant was black, but the lawyers were white, and so were the judge and the jury. The charge was murder in the first degree. Three months before, at the funeral of a sixteen-year-old girl, the man with his legs crossed patiently beside the defense table had pulled a pistol from the inside pocket of his jacket and shot the Reverend Willie Maxwell three times in the head. Three hundred people had seen him do it. Many of them were now at his trial, not to learn why he had killed the Reverend—everyone in three counties knew that, and some were surprised no one had done it sooner—but to understand the disturbing series of deaths that had come before the one they'd witnessed.

One by one, over a period of seven years, six people close to the Reverend had died under circumstances that nearly everyone agreed were suspicious and some deemed supernatural. Through all of the resulting investigations, the Reverend was represented by a lawyer named Tom Radney, whose presence in the courtroom that day wouldn't have been

remarkable had he not been there to defend the man who killed his former client. A Kennedy liberal in the Wallace South, Radney was used to making headlines, and this time he would make them far beyond the local *Alexander City Outlook*. Reporters from the Associated Press and other wire services, along with national magazines and newspapers including *Newsweek* and *The New York Times,* had flocked to Alexander City to cover what was already being called the tale of the murderous voodoo preacher and the vigilante who shot him.

One of the reporters, though, wasn't constrained by a daily deadline. Harper Lee lived in Manhattan but still spent some of each year in Monroeville, the town where she was born and raised, only 150 miles away from Alex City. Seventeen years had passed since she'd published *To Kill a Mockingbird* and twelve since she'd finished helping her friend Truman Capote report the crime story in Kansas that became *In Cold Blood*. Now, finally, she was ready to try again. One of the state's best trial lawyers was arguing one of the state's strangest cases, and the state's most famous author was there to write about it. She would spend a year in town investigating the case, and many more turning it into prose. The mystery in the courtroom that day was what would become of the man who shot the Reverend Willie Maxwell. But for decades after the verdict, the mystery was what became of Harper Lee's book.

PART ONE

The Reverend

| 1 |

Divide the Waters from the Waters

Enough water, like enough time, can make anything disappear. A hundred years ago, in the place presently occupied by the largest lake in Alabama, there was a region of hills and hollers and hardscrabble communities with a pretty little river running through it. The Tallapoosa River forms where a creek named McClendon meets a creek named Mud, after each of them has trickled down from the Appalachian foothills of Georgia. Until it was dammed into obedience, the Tallapoosa just kept on trickling from there, lazing downward until it met its older, livelier sibling, the Coosa River, near the town of Wetumpka, where together the two streams became the Alabama River, which continued westward and southward until it spilled into Mobile Bay, and from there into the Gulf of Mexico. For 265 miles and millions of years, the Tallapoosa carried on like that, serenely genuflecting its way to the sea.

What put an end to this was power. Man's dominion over the earth might have been given to him in Genesis, but he began acting on it in earnest in the nineteenth century. Steam engines and steel and combustion of all kinds provided the means; manifest destiny provided the motive. Within a few decades, humankind had come to understand nature as its enemy in what the philosopher William James called, approvingly, "the moral equivalent of war." This was especially true in the American South, where an actual war had left behind physical and financial devastation and liberated the enslaved men and women who had been the region's economic engine. No longer legally able to subjugate other people, wealthy white southerners turned their attention to nature instead. The untamed world seemed to them

at worst like a mortal danger, seething with disease and constantly threatening disaster, and at best like a terrible waste. The numberless trees could be timber, the forests could be farms, the malarial swamps could be drained and turned to solid ground, wolves and bears and other fearsome predators could be throw rugs, taxidermy, and dinner. And as for the rivers, why should they get to play while people had to work? In the words of the president of the Alabama Power Company, Thomas Martin, "Every loafing stream is loafing at the public expense."

By the turn of the century, hydroelectric power had become the hope of the South as factories that had run off men and mules were mechanized and lightbulbs flickered on in homes that had known nothing but candlelight and kerosene. Suddenly every river below the Mason-Dixon Line was being eyed in terms of cubic feet per second and kilowatts per hour. In 1912, some scouts from Alabama Power borrowed a Winton Six automobile from a local woman and drove with her around the Tallapoosa River basin, searching for a site that could accommodate a large-scale dam. They settled on Cherokee Bluffs, a gorge lined by two-hundred-foot cliffs of gneiss and granite, with the same solid rock laid down along the riverbed. So ideal was the location that other power companies had already tried to build a dam there, twice. The first attempt, in 1896, was thwarted by an outbreak of yellow fever, which made financiers afraid to visit; the second, in 1898, by the outbreak of the Spanish-American War, which left investors unwilling to gamble their money on an infrastructure project at the back of beyond. But Alabama Power arrived at Cherokee Bluffs during the boom years of the early twentieth century, when there was finally enough financial backing to begin buying up the land around it.

Some people in the area sold willingly. Convinced that the lake would come anyway and worried about the diseases that might fester in it, they were happy to take the twelve dollars an acre the company was offering and start new lives in nearby towns. But others fought the dam, including businesses downstream, and by 1916 they had taken their battle all the way to the U.S. Supreme Court. In *Mt. Vernon–Woodberry Cotton Duck Co. v. Alabama Interstate Power Co.,* the high court upheld the state's right to seize land from private owners for public use through eminent domain, including by transfer to power companies. "To gather the streams from waste and to draw from them energy, labor without brains, and so to save mankind from toil that it can be spared," wrote the celebrated justice Oliver

Wendell Holmes in the Court's unanimous opinion, "is to supply what, next to intellect, is the very foundation of all our achievements and all our welfare."

For the power company, it was a good outcome with bad timing. Shortly after the verdict, the United States entered World War I, and the Cherokee Bluffs project was once again delayed as men and money went abroad. Alabama Power would not resume work on the dam until after the armistice, and construction did not begin until 1923. That year, a hundred carpenters came to build the camp where the burners, cooks, engineers, loggers, masons, mechanics, sawyers, skidders, and superintendents would live while readying the basin and building the dam. When they were done, nearly three thousand employees moved in with their families, temporarily transforming Cherokee Bluffs into one of the largest settlements in the region. In addition to the segregated housing for black and white laborers, there was a bakery, a barbershop, a cafeteria, an ice plant, a school, a recreation hall for movies and religious services, and a hospital where dentists pulled teeth, surgeons took X-rays, and babies were born.

The town was big for Alabama, but the dam was huge by any standard. When it was finished and the floodgates were closed, the waters that filled in behind it would cover some forty-four thousand acres—at the time, the largest man-made lake in the world. By federal regulation, every one of those acres had to be cleared of any trees that would break the high-water line, and by company policy they had to be cleared of everything else, too: every last stick and brick that got there by force of nature or act of man before the power company came along. The three thousand workers set about moving houses, breaking down barns, relocating gristmills, digging up hundreds of bodies from a dozen cemeteries and reinterring them elsewhere. Mostly, though, they cut down trees: shortleaf pines, longleaf pines, loblollies, hickories, and oaks. Whatever they couldn't fell, they burned.

Mule teams, steam shovels, and a railroad line followed. By December 1923, the crew had built their first coffer, and pumps started pulling water from the gorge so that masons could build the foundations of the dam. When its final cornerstone was laid almost two years later, in a ceremony attended by thousands of people, the dam stood 168 feet tall and 2,000 feet long, a concrete raptor with a wingspan as wide as Cherokee Bluffs. It was

christened Martin Dam, for the man who had said that streams should stop loafing and get to work.

The next year, on June 9, 1926, the men and women who had flocked to that earlier ceremony came back to watch as the floodgates on the dam were closed for the first time and the river began to fill the land behind them, forming the reservoir that would be known as Lake Martin. Water ran into wagon ruts and wheel tracks, sinkholes and stump holes, ditches and streams; it rose above blades of grass, tips of weeds, cornstalks, fence rails, fence posts, and finally the tops of those few trees that had been left, destined to sink so deep in the lake that no hull would ever brush against them.

All of this happened slowly, less deluge than drip, billions of gallons of water rising over tens of thousands of acres all day and all night for weeks. Moonshiners had time to move their stills from hollows to higher ground, and families who had decided to hold on to their land kept dragging their lives above the waterline. People fished the reservoir as soon as it was deep enough to stock with bass and bream, and children swam in it, emerging slick with the red clay loosened by the rising waters. Farmers watched watermelons float away; boaters out for a day trip on the new lake could not find the landing where they had put in, so constantly did the shoreline change. Bed nets and quinine tablets were handed out to anyone within a mile of the backwater, and twenty mosquito boats cruised the new inlets and bays spraying insecticide. Months passed like this. And then one day, where there had once been cabins and dogtrots, fields and farms, churches and schoolhouses, general stores and graves, there was nothing but water.

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There was wickedness in the world before this particular flood and wickedness after it, but the future Reverend Willie Maxwell was born right in the middle, in May of the year that Alabama Power laid the cornerstone for Martin Dam. His mother, Ada, was a housekeeper; his father, Will, was a sharecropper, working a patch of land on what was rapidly becoming, when Willie was born, the western shore of Lake Martin. He was the sixth of their nine children, the second of their five sons. Born in an age of political and

environmental upheaval, he never saw the Tallapoosa River in its meandering days, never knew its watershed before it was transformed by hydropower or its culture before it was transformed by Jim Crow. His childhood years were bad ones for the state. The boll weevil came north from Mexico and destroyed the cotton crop; the Communist Party came south to organize sharecroppers, and horrific violence followed in its wake. The Great Depression came from Wall Street and stayed in Alabama for a long, long time, longer than the boys who traveled to the local C.C.C. camp for a spell before returning to New Jersey or New York.

Many of those young men who came down barely knew where they were going; nearly forty years would pass before the Reverend Martin Luther King Jr. and Governor George Wallace put Alabama on the map for most Americans. The state sits like a headstone between Mississippi and Georgia, its top flush against Tennessee, its base resting mostly on the panhandle of Florida, but dipping at its tip into the Gulf of Mexico. For its part, Lake Martin is a little too far east and a little too far south to be the dead center of Alabama, and its own center is hard to find, because its arterial edges make it look less like a reservoir than a Rorschach blot, flowing into the countless folds and gullies and valleys of three counties: Coosa, Tallapoosa, and Elmore. The largest town in the region is Alexander City, just to the north of the lake; Wetumpka, the second largest, sits to the south. Most of the other towns around Lake Martin are much smaller, barely big enough for a post office or a service station.

Willie Maxwell and his siblings were born in Kellyton, one of those map-dot towns just west of Alex City, and raised in Crewsville, an unincorporated community too tiny to even count as a village—only a few homes, a couple of stores, and at least that many churches, since white and black believers required separate sanctuaries and the Methodists and the Baptists wouldn't worship together, either. There was traffic, but it never did more than pass through. In those days, it consisted mostly of horses and mule teams, though a few Model Ts found their way over from the Walker Ford Company in the next county, and the horns were loud enough when they did to make some of the people and most of the livestock jump. When the trains began coming through, children learned to recognize the different locomotives by the sound of their whistles. Otherwise, it was so quiet in that part of Alabama that you could hear birdsong all morning and bullfrogs all night. There were only twelve thousand people in the whole of Coosa County at the time, and

enough pine trees that a boy playing Tarzan could practically swing from one end of it to the other without touching the ground. What little crime there was ran to bigamy, bastardy, hoboing, failing to honor the Sabbath, and using vulgar language in front of women.

Certain crimes, however, ran so deep in the veins of the South that those in power failed to register them as criminal. Many of the white residents of Coosa County and nearly all of the black ones were tenant farmers, victims of a brutal system that left those trapped within it barely able to eke out a living. Because they had to buy their seeds and fertilizers in the spring, sharecroppers were said to eat their crops before they planted them, and much of whatever they could later coax out of the ground went straight to the landowner. The terms of the loans a sharecropper could get were often unfavorable, the yields inadequate to feed and clothe a family, and the work itself backbreaking—sunrise to sundown, six days a week. Any child born into such circumstances was expected to help from the time he could walk.

In 1936, when Walker Evans and James Agee documented the gaunt faces and careworn lives of white tenant farmers in western Alabama, in what would later become *Let Us Now Praise Famous Men,* Willie Maxwell was eleven, living on the other side of the state and the other side of the color line. Although his later years would leave documentation in courthouses around Alabama and make headlines around the nation, little is known of his early life, a silence characteristic of the historical record for African Americans in that time and place. Maxwell attended school, but around the harvest seasons, since life in Coosa County was organized chiefly by the rhythm of what went into the ground and what came out of it. Sharecroppers there grew corn, cotton, wheat, and oats in rotation, and, if they could, peanuts, peaches, or watermelons. There were baptisms and cemetery cleanings in the spring, quilting and corn shucking in the fall. Boys like Willie planted, hoed, picked fruits and vegetables, scared crows off the corn and rabbits out of the lettuce while learning to shoot, and fished for whatever they could catch in the Beau, the Hatchet, the Socapatoy, and Jacks Creek, the streams that bounded Crewsville.

Around the edges of all that, Willie got seven years of formal education. After school, in the summer of 1943, he joined two million other African American men in registering for the draft. At eighteen, he reported for basic training at Fort Benning, a base, named for a Confederate general, that

straddles the state line with Georgia. He was issued a uniform, and his hair was shaved to the tight trim he would maintain for the rest of his life. Although he went through combat training, the army assigned Maxwell to an engineer aviation battalion at Keesler Field in Mississippi, and then to Camp Kearns in Utah.

Before the war, Camp Kearns was five thousand acres of wheat fields. Stripped of its crops, the wartime version was a gritty, filthy place. Military vehicles ran their headlights during the day to see through the clouds of dust, and soldiers woke most mornings under a layer of dirt that had blown in through the plywood and tar-paper windows. The men were packed into barracks so tightly that they called their quarters chicken coops; respiratory infections spread like rumors of deployment. Maxwell lived there for two years, until November 1945, when he was discharged with $413.80 and, in common with millions of other servicemen, a Victory Medal to mark the end of World War II. Instead of returning to Alabama, however, he chose to reenlist and was sent to California to join the 811th Engineer Aviation Battalion, one of forty-eight black units that constructed and maintained airfields around the world. From there, he went to the Pacific theater and drove trucks for the U.S. Army Corps of Engineers.

At the time, the military was almost as divided as the Deep South that Willie Maxwell had left behind, an injustice that became even more glaring after the United States joined the fight against the Nazis. “Our local Nordics have a mass psychosis, too,” wrote Langston Hughes: “As the Hitlerites treat the Jews, so they treat the Negroes, in varying degrees of viciousness.” The same prejudice that kept civilians separated by race in schools and churches and soda shops kept soldiers segregated in camp bunks, mess halls, and on the front lines. The army would finally begin to integrate in 1948, but that was too late for Sergeant Maxwell. In January 1947, after returning to America with a Good Conduct Medal, he was voluntarily discharged. By early May, he was headed home.

Back in Coosa County, Maxwell settled in Kellyton, the town where he was born. Now twenty-one years old, he was six feet two and 180 pounds—tall enough to see over almost any man and slim enough to pass between any two. His brown eyes were always watchful, his face handsome and lean; a narrow mustache sat like an officer’s chevron above his lips. His speech was elegant, almost formal, and the charm most young men could spare only for