

Billy Sunday Birt: A Case Study of Culture of Honor and the “Dixie Mafia”

by Cyndi White and Judy Jordan
Department of Sociology
Augusta State University
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In the Fall of 1999, Judy Jordan and I took a Criminal Justice course titled “Violence and the South”. We were told that throughout the course we would explore the supposed relationship between the South and violence along with various explanations for this relationship. We would examine contemporary and historical work about violence shaped by the socio-cultural and historical context of the South including racial violence homicide, violence against women, violence in the criminal justice system, and any other types of violence that we may decide to explore as individuals and as a class. One of the requirements for the course was to write a research paper and make a presentation to the class. We could do our research on a variety of topics that fall under the theme of violence and the South. I knew immediately what I would write about. I was going to write about a murder that had occurred some twenty-six years earlier - the murder of two of my own family members in a small Southern town, and at the hands of four men - all from the South. Judy was intrigued by the story and soon joined me in my endeavors.

Our class had been assigned several books to read throughout the course - one of which was Fox Butterfield’s “All God’s Children” in which Butterfield traced one family’s history back to slavery as he sought to find the root of violence that plagued them generation after generation. Similarly, in our research, we wanted to examine the backgrounds of two of the men who murdered my relatives in an attempt to find a tradition of violence in their past. The class was also reading Richard E. Nisbett and Dov Cohen’s “Culture of Honor: The Psychology of Violence in the South”. According to Nisbett and Cohen, “the South has long been thought to be more violent than the North, and we believe that some distinctive aspects of the South are key to this violence.” Nisbett and Cohen believe there is a singular cause of male violence - the perpetrator’s sense of threat to one of his most valued possessions, namely his reputation for strength and toughness and that in many of the world’s cultures, social status, economic well-being, and life itself are linked to such a reputation. According to Nisbett and Cohen:

If resources are abundant or are not subject to theft, then a reputation for toughness has little value. But if resources are in scarce or unpredictable supply, and if they are sufficiently portable that theft is a predictable route to bounty, then toughness has great economic value ... The South was a low-population frontier region until well into the nineteenth century. In such regions the state often has little power to command compliance with the law, and citizens have to create their own system of order. The means for doing this is the rule of retaliation: If you cross me, I will punish you. (Nisbett and Cohen)

What follows is the story of how four Southern men resorted to violence in their pursuit of status

and economic security while showing absolutely no regard for human life along the way. On Saturday night, December 22, 1973, four men entered the home of Mr. and Mrs. Reid O. Fleming of Wrens, Georgia. Earlier that day, two of the men had paid a visit to the Fleming's Ford dealership on the pretense of purchasing an automobile. Later that evening, the men knocked at the Fleming's door and inquired about the car. When Mr. Fleming asked them to come back the next day, they forced their way into the home. The four men knew that Mr. Fleming carried large sums of money, and might have had as much as sixty-thousand dollars at his home. Mr. and Mrs. Fleming were in their seventies and unable to resist their assailants when the men entered and began to ransack the entire house. When the Flemings refused to tell where they kept their money, their hands and feet were bound with torn bedsheets. Electrical cords were ripped from household appliances and tied around their necks. The cords, as well as coathangers, were used as ligatures to torture and strangle the couple until one of them disclosed the whereabouts of the money. The men took turns tightening the coathangers while they laughed at Mrs. Fleming's difficulty in hearing. After hours of torture, one of the victims divulged the location of the money. Nevertheless, the Flemings were strangled to death.

The four men convicted for robbing, torturing, and murdering Mr. and Mrs. Fleming were Billy Sunday Birt, Billy Wayne Davis, Bobby Gene Gaddis, and Charles David Reed. However, the double homicide involved many other players such as Carswell Tapley and George Leisher, both of whom provided the men with information concerning the Flemings as being potential targets for robbery. Also, Larry Elvis "Coathanger" Bethune helped dispose of the automobile the four men drove to Wrens, Georgia to commit the crime. Since so many men were directly and indirectly involved in the murders, we have focused our research on Billy Sunday Birt and Bobby Gene Gaddis. Who were these two men? What sort of background did Birt and Gaddis have? How did a combination of the Southern culture of honor, history of involvement with moonshining, poverty, lack of education, and association with other criminals lead them down a path of violence?

We began our research at the Augusta Chronicle Library where we began collecting newspaper articles related to the Fleming murders. Next, we moved on to Jefferson County and the newspaper office of The Jefferson Reporter, and then to the library in Wrens, Georgia. Finally, we arranged a series of interviews with Georgia Bureau of Investigation (GBI) agents, and pored over the transcripts of Birt's murder trial at the Jefferson County Courthouse in Louisville, Georgia. We wrote to both Birt and Gaddis requesting interviews (which they never granted), and also wrote to the GBI to request access to their files on the case under the Open Records Act.

Billy Sunday Birt was born in Barrow County in North Georgia in 1938. Both he and Gaddis were raised in North Georgia during the time when moonshining was the area's prime source of income. Little is known about whether their forefathers were involved in the illegal liquor business, however, in an interview, Sheriff Joe Robinson of Barrow County, stated that since the county was dry during the thirties, forties, and fifties, every other house in the county was involved in moonshining. During this time, federal revenueurs began to put pressure on moonshining operations in Barrow County, hampering the production of the alcohol. Moonshine runs between Barrow County and more isolated areas of the North Georgia mountains became the main source of supply for the county. According to Sheriff Robinson, Birt originally came to the attention of Georgia Law Enforcement during the 1960's when he was a runner in the North Georgia moonshine operation of Harold Chancey. The Sheriff added that Chancey was one of the most

powerful haulers in the moonshining industry. Chancey and his son ran an extensive operation of supplying the area with moonshine. The two were known to donate large sums of money to many charities in the area believing that generosity to those in need guaranteed silence from those who could expose damaging information.

The Sheriff explained that illegal liquor operations declined in the sixties due to many factors. For one, rusty radiators were used in moonshine stills leading to many people dying of lead poisoning. In addition, many counties were no longer dry, which made it legal to purchase alcohol. As time passed, and the production and transport of illegal liquor gave way to the drug culture, the economics of moonshining felt a squeeze. Perhaps Birt's own economic security felt threatened since the illegal sale of drugs as well as robbery took over as his economic pursuits.

In an interview, GBI Agent Horris Waters gave us a glimpse of the long history of Billy Sunday Birt's criminal activity and explained how his use of retribution ties into the theory of culture of honor. Agent Waters spent three years investigating Birt and his partners in crime. Waters kept vigil in a trailer behind Sheriff Earl Lee's office in Douglasville, Georgia while keeping Birt and his group under surveillance. Up until then, the men had managed to elude law enforcement officers by covering up any evidence that would connect them to their involvement in numerous unsolved cases. Waters knew that sooner or later the group would become careless enough to leave evidence uncovered or confess to their connection to many of these unsolved crimes. Seven days a week, twenty-four hours a day, pressure was placed upon Birt and his cohorts to break their resistance. According to Waters, "At last the strain became too great for one of Birt's closest friends. The friend called Birt to say that he could no longer eat or sleep, and could no longer withstand the pressure. He decided to turn himself over to police to get everything off his chest. Birt confessed to his friend that he also was experiencing those feelings and agreed to go along with him to surrender. We found the man's body just a few days later." Agent Waters added that "all of Birt's family were deathly afraid of him, that he was paranoid, and that he would kill his own friends if he deemed it necessary."

Birt's family was poor, and received very little education. His step-father and mother raised a family of nine. Of those nine, at least three went on to have problems with the law. At seventeen, Birt married a local girl, then twelve years old. He and his wife Ruby had five children - Stoney, Ann, Montana, Shane, and Norma Jean. The oldest son, Stoney, would follow in his father's footsteps and boasted to others about the similarities between them. Like his father, Stoney became involved in criminal activities and over the years spent time in jail. On the other hand, Montana became a Pentecostal Minister and once baptized his father while he was on death row. According to a story in the Atlanta Journal Constitution, Sheriff Earl Lee of Douglas County checked Birt out of death row in 1992 because he believed Birt had essential information to crack an unsolved crime. In return for Birt's testimony, Sheriff Lee drove him unshackled from the Douglas County jail more than sixty miles to the Church of the Lord Jesus Christ in Birt's hometown of Winder, Georgia. There his twenty-five year old son baptized Birt. State officials were appalled when they heard what the sheriff had done. Unaffected by the criticism he received, Sheriff Lee responded, "People said it was poor judgement, but it was my idea to keep him unshackled...I wanted him to know he could trust me. He knew if he ran, I'd kill him" (Torpy C1). Sheriff Lee came to know Birt as well as anyone and felt that if he had made a better start in life he may not have turned out the way he did ,although Birt once told Lee he would "heap rather kill a man than a dog" (Torpy C1).

Billy Sunday Birt, his cohort, and others like them were part of a loosely knit gang that dealt in everything from illegal liquor and drugs to stolen gasoline. According to Agent Waters, "State Police knew them as the 'Dixie Mafia'" (Waters 99). Agent Waters went on to say that the GBI does not believe that they were part of the real "Dixie Mafia" that has been investigated by the Federal Bureau of Investigation for numerous bank robberies.

Rather, it was robbery that Birt had in mind when he received information that two families in Wrens, Georgia may have kept large sums of money in their homes. We were curious as to how Birt came across such information so we sought out GBI Agent Robert Ingram to fill in the gaps. Agent Ingram spent thirteen long months investigating the Fleming case, which finally led to Birt's arrest and subsequent murder conviction. In an interview, Ingram stated that we had "selected a case that is one of the most interesting and complex cases in Georgia - the killers are prolific and there is not much known about Billy Sunday Birt. Billy Sunday Birt is not as well known as Theodore Bundy or Jeffrey Dahmer; however, he is responsible for many more homicides."

On Sunday, December 23, 1973, Agent Ingram received a request to assist Jefferson County Police in the investigation into the Fleming murders. According to Ingram:

We initiated the investigation and processed the crime scene. An autopsy was conducted on the bodies, and it concluded that the cause of death was strangulation. It appeared from the condition of the bodies that they had died the previous night. The house was unlocked...we were not able to determine what exactly was missing because the owners were deceased.

What they *were* able to determine, going back to December 21, 1973, was that Jerry Hayman's home had been rummaged and burglarized. Hayman lived close to the Flemings. Hayman's safe had been entered and many old guns and coins taken from him. Authorities believe the home was robbed on the Friday before the Fleming murders. Hayman was getting ready to leave town that Friday night when he noticed something peculiar. A Cadillac pulled into his driveway with two white males inside. The two men began asking questions of Mr. Hayman which were not in line with their claim they were looking for someone, so he directed them from his home and left town that night. When he returned after the Fleming deaths, he discovered his home had been burglarized. Whether or not the strangers in the Cadillac had had something to do with the burglary, he did not know. In investigating the case, agents came up with an individual named Carswell Tapley. After interviewing him at great length, the agents became concerned that he may have been the one providing information about the Flemings and Haymans to Billy Sunday Birt and Billy Wayne Davis. Davis, a good friend of Birt's, ran a car lot in Marietta, Georgia, and also had a known criminal record. Agent Ingram described Davis as a gambler known to set up robbery or murders. Birt and Davis had a conversation regarding what they had learned, and in all probabilities these two had a role in the Hayman burglary on Friday night. They returned to Marietta in the Cadillac after robbing the Hayman residence and the car was turned over to Elvis Larry Bethune. Larry was a "gofer" for Davis. His instructions were to dispose of the contents of the vehicle, but instead, Larry kept the property inside the car. Birt and Davis exchanged that Cadillac for another one, and the next evening went back to Wrens to complete the second part of the crime. And so it appears that Carswell Tapley started the train in motion. On their way back to Wrens, at some point, Birt and Davis met two of their friends - Bobby Gene Gaddis, and Charles David Reed. According to Agent Ingram:

Sometime after dark the four knocked on the door of the Fleming residence. When Mr. Fleming answered the door they forced their way in and committed the crime. Strangulation was probably done to get them to tell where they hid the money. The men came to Wrens thinking money was hid in fruit jars, and this is why fruit jars were laying everywhere in the smokehouse. They then left the crime scene and Wrens, driving to Thomson. They got halfway between Wrens and Thomson when the men stopped to urinate near Huber Chalk Mine. When they got back into the car, it would not start. As a result, they flagged down two Huber employees, John Alley and Edgar Chance who were driving by in the early morning hours. Alley and Chance were able to jump the men off and send them on their way. The men then left to split the money. The two locals later identified the men. (Ingram)

Ingram interviewed Davis five or six times during the investigation and Davis told him the whole story. Birt, Gaddis, and Reed never admitted they were involved. Davis was a witness in the case and testified against all of them, and as a result was granted immunity.

At the end of the thirteen-month investigation, the accused were indicted on January 17, 1975 (“Jury Expected” 1). When the indictments were handed down, Birt was in a federal prison in Marion, Illinois, and Gaddis was in an Atlanta, Georgia, federal prison, both serving terms for bank robbery. On February 25, 1975, Charles David Reed was arrested in a Toccoa, Georgia motel (“Last Suspect” 1). The three men were indicted on two counts of burglary, and two counts of murder (“Grand Jury” 1).

In May of 1975, after two hours of deliberation, the jury in Louisville, Georgia, convicted Birt of murder, armed robbery, and burglary. During the sentencing trial, Birt received the death penalty, plus two life terms for armed robbery. Judge Walter McMillan added twenty additional years for burglary. Birt displayed no emotion as the jury read the decision. Birt’s execution was set for August 21, 1975 (Harrison 1A). Over the years that followed, Birt’s attorneys filed appeal after appeal. Finally in 1988, Defense Attorney Millard Farmer filed one last appeal. Though “Birt’s conviction was upheld...the two death sentences he received were thrown out by a Tatnall County judge who said the jury in Birt’s case had not received proper instructions during the sentencing phase of his trial” (Murderer Needs” 2B). In a telephone interview, Birt’s attorney, Millard Farmer stated that “Birt’s death sentence was overturned, and he is now serving life without parole in the Georgia State Prison in Reidsville, Georgia.”

On August 15, 1975, Bobby Gene Gaddis was also sentenced to death for the Fleming murders. Gaddis received death on two counts of murder, life imprisonment on each of the two counts of armed robbery, and twenty years on two counts of burglary (“Gaddis Convicted” 1A). Charles David Reed was given four life sentences for his part in the Fleming murders. Reed only served twenty years of his sentence before being released. Shortly after his release from prison, he was found murdered according to GBI reports.

Having killed fifty-two people, Birt is known as the number one multiple murderer in the state of Georgia, however, he was convicted of only three. Birt was convicted for the 1972 murder of Donald Chancey, a former moonshine associate, and for the 1973 murders of the Flemings. The remaining cases were substantiated by many law enforcement agencies through the use of evidence as well as information provided by Birt and Davis themselves. When asked how Birt could be suspected in so many murders without convictions, Agent Ingram replied, “It was very simple - he killed the majority of people that would

have been witnesses against him. He killed all different types of people - men and women, young and old. Generally, there are three different motives to crime: sex, greed, and revenge; Birt killed for all three reasons.” Did the Southern culture of honor influence the lives of Birt and his partners? Certainly the values of these men reflected the way Southerners favored violence for protection of economic loss, property, and retaliation against those who threatened their power. In addition, lack of education and poverty were present in the lives of these four men. Their involvement in the moonshining industry played a large part in starting them down the path of violent criminal behavior. Our study supports our argument that being socialized in a criminal environment leads to adult crime and violence.

The culture of honor is evident in Birt’s behavior in that several years after his conviction, he was called upon to testify against Billy Wayne Davis in a separate crime. As a result, Davis received a life sentence, once again reflecting the use of retribution with Birt gaining revenge against Davis for his betrayal in the Fleming case.

There is not enough evidence to conclude that the socialization of previous generations had much influence on their criminal endeavors since the tradition of violence appears to have been broken in Birt’s family. Barrow County Sheriff Joe Robinson stated that “Mrs. Birt worked hard to overcome the negative effects of her husband’s crimes.” She went on to raise her five children to become productive citizens and business owners in the community.

However, the association with other criminal elements in society played a major role in the way that these men conducted their affairs supporting Edwin H. Sutherland’s Differential Association theory which suggests that criminal behavior is learned, and not inherited. Birt’s association with other known criminals in the moonshine industry was his starting point for learning criminal behavior. Economically Birt was able to provide for his family well above his meager wages by being involved in criminal activities. Birt’s reputation among law enforcement, even though it was of criminal nature placed him on a high status level as the number one murderer in the state of Georgia. He gained respect in the moonshine industry as well and was feared by all.

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