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## David Roland WATERS



Classification: **Murderer**  
Characteristics: **Former American Atheist office manager - Kidnapping - Robbery - Dismemberment**  
Number of victims: **4**  
Date of murders: **September 29/October 1, 1995**  
Date of arrest: **March 24, 1999**  
Date of birth: **1947**  
Victims profile: **Madalyn Murray O'Hair, 76; her son, Jon Garth Murray, 40; and her adopted daughter Robin Murray O'Hair, 30 / Danny Raymond Fry, 41**  
Method of murder: **Strangulation - Shooting**  
Location: **San Antonio, Texas, USA**  
Status: **Sentenced to 80 years in prison. Died in prison on January 27, 2003**

[photo gallery](#)

**Madalyn Murray O'Hair** (April 13, 1919 – September 29, 1995) was an American atheist activist; a founder of the American Atheists and its president from 1963 to 1986. She created the first issues of American Atheist Magazine.

One of her sons, Jon Garth Murray, was the president of the organization from 1986 to 1995, while she remained de facto president during these nine years. She is best known for the Murray v. Curlett lawsuit, which led to a landmark Supreme Court ruling ending official Bible-reading in American public schools in 1963. This came just one year after the Supreme Court prohibited officially sponsored prayer in schools in Engel v. Vitale. After she founded the American Atheists and won Murray v. Curlett, she achieved attention to the extent that in 1964 Life magazine referred to her as "the most hated woman in America".

In 1995 she was kidnapped, murdered and mutilated along with her son Jon Murray and granddaughter Robin Murray O'Hair, by the former American Atheist office manager David Roland Waters.

**Early life**

Madalyn Mays was born in the Beechview neighborhood of Pittsburgh, Pennsylvania, on April 13, 1919, to Lena Christina (Scholle) and John Irwin "Irv" Mays. As an infant, she was baptized into the church as a Presbyterian. In 1937, she graduated from Rossford High School in Rossford, Ohio.

In 1941, she married John Henry Roths. They separated when they both enlisted for World War II service, he in the United States Marine Corps, she in the Women's Army Corps. In April 1945, while posted to a cryptography position in Italy, she began a relationship with an officer, William J. Murray, Jr. Murray was a married Roman Catholic, and he refused to divorce his wife. Mays divorced Roths, adopted the name Madalyn Murray, and gave birth to a boy whom she named William J. Murray (nicknamed "Bill").

In 1949, Murray completed a bachelor's degree from Ashland University. In 1952, she received an LL.B. degree from the then unaccredited South Texas College of Law; however, she failed the bar exam and never practiced law.

On November 16, 1954, she gave birth to her second son, Jon Garth Murray, fathered by her boyfriend Michael Fiorillo. She and her children traveled by ship to Europe, planning on defecting to the Soviet embassy in Paris and residing in the Soviet Union, due to that nation's promotion of state atheism. However, the USSR denied them entry. Murray and her sons returned to Baltimore, Maryland in 1960.

Murray stated that she worked for seventeen years as a psychiatric social worker, and that in 1960 she was a supervisor at the Baltimore city public welfare department.

Murray left Maryland in 1963 after she allegedly assaulted five Baltimore police officers who came to her home to retrieve a runaway girl, Bill's girlfriend. In 1965, she married U.S. Marine Richard O'Hair. Although the marriage resulted in separation, she remained married to him until his death in 1978.

### **Atheist activism**

Murray filed a lawsuit against the Baltimore City Public School System in 1960, in which she asserted that it was unconstitutional for her son William to be required to participate in Bible readings at Baltimore public schools. In this litigation, she stated that her son's refusal to partake in the Bible readings had resulted in bullying being directed against him by classmates, and that administrators condoned it.

After consolidation with *Abington School District v. Schempp*, the lawsuit reached the Supreme Court of the United States in 1963. The Court voted 8½1 in Schempp's favor, which effectively banned mandatory Bible verse recitation at public schools in the United States. Prayer in schools other than Bible-readings had already been ended in 1962 by the Court's ruling in *Engel v. Vitale*. William went on to become a Baptist minister.

O'Hair filed a lawsuit with the National Aeronautics and Space Administration (NASA) in regard to the Apollo 8 Genesis reading. The case was rejected by the U.S. Supreme Court for lack of jurisdiction. The effects of the suit were varied: although NASA asked Buzz Aldrin to refrain from quoting the Bible in the Apollo 11 mission, he was allowed to conduct the first Communion service in space.

### **American Atheists**

Following her arrival in Austin, Texas, O'Hair founded American Atheists, "a nationwide movement which defends the civil rights of non-believers, works for the separation of church and state and addresses issues of First Amendment public policy". She acted as the group's first chief executive officer, the public voice and face of atheism in the United States during the 1960s and 1970s. In a 1965 interview with *Playboy Magazine*, she described religion as "a crutch" and an "irrational reliance on superstitions and supernatural nonsense".

In the same *Playboy* interview, O'Hair gave a long list of incidents of harassment, intimidation, and even death threats against her and her family for her views. She read several profane letters she received in the mail, with content including one that said (referring to the conversion of Paul the Apostle on the road to Damascus), "May Jesus, who you so vigorously deny, change you into a Paul." In response, O'Hair told the interviewer, "Isn't that lovely? Christine Jorgensen had to go to Sweden for an operation, but me they'll fix with faith ½ painlessly and for nothing." She stated that she left Baltimore because of persecution from Baltimore residents, including receipt of mail containing photos smeared with feces, the strangulation of her son Jon Garth's pet kitten and the stoning of her home by neighborhood residents, which she believed had caused her father's fatal heart attack.

She filed several lawsuits on issues over which she felt that the United States Constitution was violated by a collusion of church and state. One was against the city of Baltimore, demanding that it assess and collect taxes on property owned by the Catholic Church.

O'Hair founded an atheist radio program in which she criticized religion and theism, and a television show she hosted, *American Atheist Forum*, was carried on more than 140 cable television systems.

O'Hair remained a polarizing figure into the 1980s. She served as "chief speechwriter" for Larry Flynt's 1984 presidential campaign, and continued to be a regular talk show guest. Jon Murray succeeded her as leader of the American Atheists; he was not liked by many in the organization, and various chapters seceded from the main group. In 1991, the remaining local/state chapters were dissolved.

Her son William J. Murray became a Christian in 1980. Learning of this, she commented: "One could call this a postnatal abortion on the part of a mother, I guess; I repudiate him entirely and completely for now and all times ... he is beyond human forgiveness."

In the 1990s, American Atheists amounted to O'Hair, her son Jon Murray, her granddaughter Robin Murray O'Hair, and a handful of support personnel. (Robin, the daughter of William Murray, was adopted by Madalyn. William had not seen nor spoken to any of them in many years.) The trio lived together in O'Hair's large home. They went to the office together, took vacations

together, and returned home together.

### **Murder**

On August 27, 1995, O'Hair, her son Jon, and granddaughter Robin suddenly disappeared. The door to the office of American Atheists was locked with a typewritten note attached (apparently with Jon's signature), stating, "The Murray O'Hair family has been called out of town on an emergency basis. We do not know how long we will be gone at the time of the writing of this memo." When O'Hair's home was entered, breakfast dishes were sitting on the table; her diabetes medication was on the kitchen counter, and her dogs had been left behind without a caregiver.

In phone calls a few days later, the trio claimed that they were on "business" in San Antonio, Texas. A few days later, Jon ordered \$600,000 worth of gold coins from a San Antonio jeweler but took delivery of only \$500,000 worth of coins.

Until September 27, American Atheists employees received several phone calls from Robin and Jon, but neither would explain why they left or when they would return; while they said nothing was amiss, their voices sounded strained and disturbed. After September 28, no further communication came from any of the O'Hairs.

### **Investigation and arrests**

Ultimately, the murder investigation focused on David Roland Waters, who had worked as a typesetter for American Atheists. Not only did Waters have previous convictions for violent crimes, there were several suspicious burglaries during his tenure, and he had pleaded guilty earlier in 1995 to stealing \$54,000 from American Atheists. Shortly after his theft of the \$54,000 was discovered, O'Hair had written a scathing article in the 'Members Only' section of the American Atheists newsletter exposing Waters, the theft and Waters' previous crimes, including a 1977 incident in which Waters allegedly beat and urinated upon his mother. Waters' girlfriend later testified that he was enraged by O'Hair's article, and that he fantasized about torturing her in gruesome ways.

The police concluded that Waters and his accomplices had kidnapped all three O'Hairs, forced them to withdraw the missing funds, gone on several huge shopping sprees with the O'Hairs' money and credit cards, and then murdered and dismembered all three people. Waters' accomplices included Gary Paul Karr and Danny Fry. A few days after the O'Hairs were killed, Fry was murdered by Waters and Karr. Fry's body was found on a riverbed with his head and hands severed and missing. His body remained unidentified for three and a half years.

In January 2001, Waters informed the police that the O'Hairs were buried on a Texas ranch, and he subsequently led them to the bodies. When the police excavated there, they discovered that the O'Hairs' bodies had been cut into dozens of pieces with a saw. The remains exhibited such extensive mutilation and successive decomposition that identification had to be made through dental records, by DNA testing and, in Madalyn O'Hair's case, by the serial number of her prosthetic hip. The head and hands of Danny Fry were also found at the site.

The gold coins extorted from the O'Hairs were put in a storage locker rented by Waters' girlfriend. Waters had taken out \$80,000 and partied with his girlfriend for a few days, but upon his return he discovered that the remaining \$420,000 had been stolen. A group of thieves operating in that area had a master key to the type of lock that Waters used to secure the locker. In the course of their activities, they came across the locker, used the master key to open it, and found a suitcase full of gold coins. They eventually spent all but one, which the police recovered.

Karr was arrested, tried, and found guilty of extortion charges related to the O'Hair case. However, he was acquitted of kidnapping conspiracy. Karr was sentenced to life in prison in August 2000 by U.S. District Judge Sam Sparks. Waters was arrested and found guilty of kidnapping, robbery, and murder in the O'Hair case, and was sentenced to 20 years in prison; he was also ordered to pay back a total of \$543,665 to the United Secularists of America and to the estates of Madalyn Murray O'Hair, Jon Garth Murray, and Robin Murray O'Hair. It is unlikely that any of these debts were paid, because Waters had no ability to earn money while in prison. Waters died of lung cancer at the Federal Medical Center in Butner, North Carolina, on January 27, 2003.

There was some criticism of the Austin Police Department's apparent apathy about the disappearance. Austin reporter Robert Bryce wrote:

"Despite pleas from O'Hair's son, William J. Murray, several briefings from federal agents, and solid leads developed by members of the press, the Austin Police Department (APD) sat on the sidelines of the O'Hair investigation.... Meanwhile, investigators from the Internal Revenue Service, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, and the Dallas County Sheriff's Office are working together on the case ... a federal agent was asked to discuss APD's actions in the O'Hair case. His only response was to roll his eyes in amazement."

### **Legacy**

Madalyn Murray's lawsuit largely led to the removal of compulsory Bible reading from the public schools in the United States, amongst other lasting and significant effects. Until the lawsuit, it was commonplace for students to participate in many types of religious activities while at school, including religious instruction itself. Nonreligious students were compelled to participate in such activities and were not usually given any opportunity to opt out. The Murray suit was combined with an earlier case, so the Court might have acted without Murray's intervention. With the success of the lawsuit, the intent of the Constitution with regard to the relationship between church and state again came under critical scrutiny and has remained there to this day. While students do continue to pray in public schools, even in organized groups (and in the case of "See You at the Pole" at the flag pole), the lawsuit disallowed schools from including prayer as a compulsory activity required of every student. The success of O'Hair's lawsuit led to subsequent lawsuits by Mormon and Catholic families in Texas in 2000 to limit compulsory prayer at school-sponsored football games.

O'Hair's notoriety lives on through a decades-old urban legend. In one version, an e-mail claimed

"Madeline Murray O'Hare [sic] is attempting to get TV programs such as Touched by an Angel and all TV programs that mention God taken off the air" (the e-mail invariably misspelled O'Hair's name). It cited petition RM-2493 to the FCC, which had nothing to do with O'Hair, and which was denied in 1975, concerning the prevention of educational radio channels being used for religious broadcasting. A variant acknowledging her death was circulating in 2003, still warning about a threat to Touched by An Angel months after the program's last episode had been aired. In 2007, similar e-mails were still being reported, twelve years after O'Hair's disappearance and long after her confirmed death.

A 2009 variation of Petition 2493 claims that O'Hair's organization wants the "Removal of Joel Osteen, Joyce Meyer, Charles Stanley, David Jeremiah and other pastors from the air waves", and Dr. James Dobson asks petitioners to send responses and donations to "Lisa Norman". Dobson denies any involvement.

**Wikipedia.org**

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## **Mysterious Disappearance of Madalyn Murray O'Hair**

By Tori Richards

### **'Most Hated Woman in America' Disappears ...Again?**

AUSTIN, Texas (Crime Library) ½ There was much that many found hard to like about Madalyn Murray O'Hair. Loud, brash and insensitive, she bore the title of "Most Hated Woman in America" with pride.

Life magazine had bestowed the title on her after she had successfully sued to abolish school prayer and then flaunted her anti-theistic message ½ reveling in the sensation she caused. Madalyn created headlines wherever she went, so it was surprising that her disappearance in August 1995 met with little more than a blurb in most newspapers. Madalyn's granddaughter, 30, and younger son, 40, were also missing.

"They just wanted to stop, get away and breathe," her spokesman for the American Atheists told The Dallas Morning News in October 1995. "It may be a little unusual, but I don't blame them."

Madalyn's estranged older son, Bill Murray, wasn't so sure. She had previously vanished for weeks at a time as a fundraising ploy for the organization she founded, American Atheists Inc. "This family is so bizarre, you guys can't get close to describing it. I wouldn't be surprised if she was sitting frozen in the back of a van somewhere," Murray told The Washington Post.

In actuality, the truth was even more bizarre than Bill could have ever predicted. But he was right on one count ½ she was very dead indeed.

### **A Dysfunctional Family**

Madalyn was born Madalyn Mays in 1919 to a lower-middle class Pittsburgh family. The Mays family was Presbyterian, and Madalyn was forced to read the Bible, a book she thought was filled with violence and a mean God. At age 22 she married her first husband, enlisted in the Women's Army Corps (WACs) at the outbreak of World War II, but then had a wartime affair with a well-to-do Army officer. She became pregnant and divorced her husband in hopes of marrying him, but he was Catholic, married and ultimately unwilling to leave his wife.

She had a second child, Jon Garth Murray, by another father. As the family struggled to make ends meet, Madalyn would rail against the Catholic Church for preventing her marriage to the wealthy Murray.

The family settled in Baltimore, which forever changed their fate. One day while Madalyn was enrolling her son Bill, 14, in school, she heard students reciting the Lord's Prayer in class. This was done at the beginning of each day, before the Pledge of Allegiance. Murray by now was well-entrenched in her dislike of organized religion and did not believe God existed. An angry Madalyn sued the school district to abolish this practice and the case made it all the way to the U.S. Supreme Court. Four years later, in 1963, the Court handed down a ruling outlawing school prayer. She rejoiced, along with the atheist children she had raised.

The court victory made her a media sensation and launched her on a national crusade against organized religion. Life magazine gave Madalyn her famous "most hated" moniker in its 1964 story covering her campaign. She did the television talk show circuit and gave interviews to the nation's newspapers.

Life quoted her as saying: "We find the Bible to be nauseating, historically inaccurate and replete with the ravings of madmen. We find God to be sadistic, brutal and a representation of hatred."

### **American Atheists Inc.**

It wasn't long before Madalyn was living the life of comfort that she always wanted. People from across America were sending her cash donations for the atheist cause. She founded American Atheists, Inc. and moved to Austin, Texas. Madalyn married again, taking the last name O'Hair.

The O'Hair family life, however, caused Bill anguish. He became a drug addict, an alcoholic and the unwed father of a girl, Robin. Unable to care for the child, Bill left her with his mother, who adopted Robin as her own daughter. Robin, Jon and Madalyn would become the driving force of American Atheists, Inc.

In the late 1970s, Bill entered a rehab program and was exposed to evangelical Christianity. He renounced atheism and on Mother's Day 1980 became a born-again Christian. Thus began the second stage of Bill's life, that of a Christian evangelist seeking to undo what his mother had done.

"I view what we did as wrong...we took the authority of God out of the schools," Bill said. "We attempted to replace it with the logic of man." Bill distanced himself from his family, and they never spoke again.

"The family I come from is the mother of dysfunctional families," he said.

Madalyn enjoyed infamy, various court battles, and the growing membership of her organization well into the 1980s. But Ronald Reagan's reelection to the White House signaled a cultural shift to a more conservative America that again embraced tradition and Christianity. Her support began to dwindle. The IRS sued Jon and Robin for using organizational assets for their personal use, and Madalyn was sued by a rival, for-profit organization when she tried to take over the company by claiming ownership of its stock. By the mid-1990s it seemed that the glory days were over.

Those who knew her well intimated that she was making preparations to leave for New Zealand, where it was thought she had a cache of money squirreled away.

### **Missing ½ Or Is She?**

Madalyn won the fraud lawsuit, but the plaintiffs vowed to appeal. If the appeal were successful, it would wipe out her organization. She then liquidated most of her assets, an attorney told The Washington Post in 2002. One of Madalyn's former employees told the newspaper that he saw bank statement from New Zealand Guardian Trust that showed an account with a balance in excess of \$1 million.

Shortly thereafter, on Aug. 28, 1995, employees of American Atheists found a note taped to the front door of the office when they arrived for work. It stated that the O'Hair family had left town for an emergency and didn't know how long they would be gone. The note was signed by Jon Murray. This seemed especially strange to one employee, who went to Madalyn's home and found her three dogs and diabetes medicine still there.

Unusual as this was, the remaining leaders of the organization put on a brave front and told supporters that she'd be back. The group continued to operate in her absence. "I just talked with Madalyn herself moments ago," her spokesman Spike Tyson told The Associated Press on Sept. 29.

"I can tell you categorically that Madalyn is alive," a supporter echoed. "I can't tell you exactly what is happening. She's safe and that's all I can tell you."

When she didn't show up for a planned picket of the October visit by the Pope to the U.S., people were either concerned or pleasantly surprised, depending on their religious affiliation. However, no one filed a missing persons report, and the local police didn't seem too worried.

"In the state of Texas, it's not against the law to become missing," said Austin police Sgt. Steve Baker.

### **No Sign of Madalyn and Family**

Bill Murray, though, wanted to resolve what happened to his family, and so, a year after their disappearance, he filed a missing person's report with the Austin Police Department. They opened an investigation, but didn't come up with any leads. It appeared superficially that the O'Hair family had absconded with assets from American Atheists, not a high-priority case for the police. Besides, Madalyn was 77 years old and in poor health due to her diabetes and obesity.

However, the IRS was interested, and began a money laundering investigation in February 1997, 17 months after the O'Hair family had disappeared. Those who cared were of two schools of thought: either they had disappeared with a fortune overseas, or Madalyn had died. Madalyn had frequently told supporters that she didn't want her death to become a national event because it would give those "Christers" an opportunity to pray over her.

Despite their assets, the American Atheists had filed a 1995 tax return that showed a loss of \$612,000. The family also had left behind a checklist written by Jon that showed the steps that needed to be taken before fleeing the country. The idea that they had fled was promoted by David Waters, Madalyn's former office manager, who had broken dramatically with the O'Hair family when they had prosecuted him for embezzling \$54,000 from the organization.

Madalyn had then lambasted Waters in an atheist newsletter, exposing Waters' criminal history. He had been convicted of murdering a boy over gasoline when he was 17 years old. He had been paroled 12 years later and had then assaulted his mother, which led to more prison time. The embarrassment of Waters' past was almost too much for him to bear: he told acquaintances that he fantasized about torturing Madalyn by cutting off her toes, according to an affidavit by the IRS.

At first he claimed to be innocent ½ saying he withdrew money from atheist accounts at Jon's behest because the O'Hair family planned to flee. But ultimately Waters pleaded guilty to the embezzlement and paid back the money, and the court placed him on probation instead of sending him to prison.

### **A News Reporter Uncovers Clues**

John MacCormack, a reporter with the San Antonio Express News, was assigned to cover the one-year anniversary of the O'Hair family disappearance. MacCormack began working with a private investigator to find out what really happened to the trio, but it turned out to be more than just a single-day story.

The result was a series of stories. MacCormack uncovered the 1995 tax return (it was his story that actually alerted the IRS) and discovered that Jon's Mercedes-Benz had been advertised for sale in the Express-News and then sold at a loss in front of a local bar. MacCormack tracked down the buyer and showed him Jon's picture but discovered that the seller was actually some other unidentified person.

MacCormack managed to obtain Jon's cell phone records and noted a flurry of activity during the month following the family's disappearance. One of the calls led him to a jeweler who had sold Jon \$600,000 worth of gold coins. The coins had come in at intervals, and Jon had picked up the first installment of \$500,000's worth, but hadn't shown up to retrieve the final \$100,000. And after September, all cell phone activity stopped, and the number was disconnected.

MacCormack's investigation was time-consuming. Another year passed, and to commemorate the anniversary he was asked to be a guest on ABC's Nightline to talk about the mystery. It was an event that would break the case wide open, providing a twisted roadmap for the IRS, FBI and San Antonio police to follow.

### **A Suspect is Uncovered**

After MacCormack's television appearance, he received an interesting phone call. It was a man, Bob Fry, who was looking for his brother Danny, 41, who had gone missing shortly after the O'Hair family. Danny had traveled to Texas to do a job with David Waters, whom he had met when both were in prison.

Lured by the appeal of making a quick buck, Danny probably had a hunch that the job wasn't completely legal if Waters was involved. He told his brother in a letter that should he disappear Waters was involved. When Danny didn't come home, Bob called Waters and told him about the letter, demanding information about his brother.

Waters responded by showing up at Bob's Florida home the next day with another man, Gary Karr, 47. They threatened him with a pistol, but said they didn't know anything about Danny's whereabouts. MacCormack checked Karr's background and found that he was also an ex-con with eight prior felonies including armed robbery and kidnapping.

Danny's daughter, recalled that Waters had called her father incessantly asking for help with a deal that could make him a lot of money. Danny told her he would only be gone a few weeks. After arriving in Austin, Danny called her collect every day from either a motel in San Antonio or Waters' apartment in Austin. His final call was Sept. 30.

MacCormack was now on the story of his career, unraveling the disappearance of a famed public figure. Suddenly the years of investigation were paying off as he now had the makings of not one, but two possible murder cases ½ complete with suspect, motive and opportunity.

### **The Man Without a Name**

MacCormack published more stories, and the authorities were definitely interested in his findings. But suspecting someone of murder and proving it are two different things. No bodies had been found and no evidence existed that would certainly convict Waters and Karr of anything.

In September 1998, three years after the O'Hair family had disappeared, MacCormack once again broke the case wide open. He noticed a wire service story that mentioned the third anniversary of an unsolved Dallas murder. The nude body of an unidentified white man had been found in some woods near the East Fork Trinity River on October 2, 1995.

The victim's head and hands had been missing, eliminating any simple identification and rendering him a John Doe. All investigators could determine was that he was about 40 years old and had been killed somewhere else, since little blood was found in the area where his remains were discovered. The timeline of the man's death matched up with the O'Hair and Fry disappearances; MacCormack was suspicious. He asked the Dallas authorities to check whether their John Doe could be Danny Fry.

Dallas investigators ran a DNA test and three months later were able to positively identify the victim as Danny Fry. He had reached out from the grave to provide law enforcement with the evidence needed to solve the O'Hair case.

### **A Flood of Evidence**

The FBI visited the motel from which Fry had called collect. They found that both Waters and Karr had held the room during the month of September 1995 and had also rented a number of vans.

MacCormack continued to write stories and then another important witness came forward. She was identified as Waters' live-in ex-girlfriend. She told the FBI that both Fry and Karr showed up one day and then left with Waters. Waters came home intermittently. On one occasion, he was driving a new Cadillac. Inside the trunk was a buzz saw and shovel.

Waters left and returned several days later with a trash bag that contained three pairs of bloody tennis shoes. On another occasion, Fry and Karr showed up with Waters, and Fry was extremely upset. After that day, Fry was never seen again but his luggage was still in the apartment. She had asked Waters about it, but he had refused to answer.

She also knew that Waters had stashed \$500,000 in gold coins in a storage locker. One day he called her frantically, asking what happened to the coins. It seems that someone had broken into the locker and stolen them. She added that Waters had a second storage locker that he sprayed with bleach a month after the O'Hair family disappeared, while she waited in her truck.

Investigators went to the second storage locker and talked to the manager, who had seen three men matching the description of Waters, Karr and Fry at the locker with several large blue plastic barrels. Detectives entered the locker but didn't see anything amiss other than a gap in the metal flooring. They pulled up a piece of the floor and sprayed it with Luminol, which picks up blood under ultraviolet light. It tested positive.

"There was DNA that was consistent with the O'Hairs," said Dallas County Sheriff's Detective Steve Womack. "We believe that unit was used to actually dismember the bodies of the O'Hair family."

## Closing In

The evidence was enough to obtain warrants to search the homes of Waters in Texas and Karr in Michigan. They found a bow saw at Waters' home, which detectives theorized had been used to dismember the bodies of the O'Hair family.

But it was at Karr's home that they would have greater success. He decided to confess, detailing the crimes in an eight-page signed document. Karr admitted to renting the cars and hotel rooms, then helping to bury the O'Hair family. He blamed the killings on Waters, saying he didn't have anything to do with them directly.

A case seemed ironclad against Karr, and a federal grand jury indicted him in December 1999 on five charges: kidnapping, robbery and extortion, traveling interstate to commit violent acts resulting in death, conspiracy to gain financially from a violent act, and transportation of stolen property across state lines. Opening statements began on May 15, 2000. Waters had not yet been charged, but he had been jailed for violating his probation for the atheist office embezzlement by possessing ammunition.

Karr's defense attorney, suggested that the O'Hair family fled the country because no bodies had turned up. "It may be the simplest explanation that she did what she said she was going to do for a year ½ she fled to escape the Internal Revenue Service," Mills said.

But the prosecution's star witness testified about the bloody shoes, shovel and buzz saw, gold coins and the involvement of Waters, Karr and Fry. She said all three men were staying at the apartment she shared with Waters until they inexplicably left for about a month that coincided with the O'Hair family's disappearance.

Prosecutors also found the men who stole the coins and gave them immunity for testifying. Karr was convicted on all counts except for the kidnapping charge. The conviction carried a mandatory life sentence.

## The Mastermind

Later that year, Waters decided to plead guilty in his probation violation case of possessing ammunition. His original sentence of 60 years was reinstated. Madalyn had gotten the last laugh on that matter after all.

A federal grand jury also indicted Waters on charges similar to Karr's. But if convicted, he'd first spend 60 years in state prison on the embezzlement charge, because that trial had occurred first. Waters didn't want that. Knowing that he'd likely never be released, Waters wanted to spend the rest of his days in federal prison, which he considered better accommodations. In a deal with prosecutors, he agreed to confess and tell authorities where the three victims were buried in exchange for being allowed to plead guilty to extortion and being transferred to a federal prison.

Authorities talked to Waters for four days, and, by the time they were finished, his confession filled 300 pages. Waters admitted that with Karr and Fry he had kidnapped the O'Hair family at gunpoint from their office. The trio was then held at the motel and ordered to liquidate their assets. Jon arranged to have the gold coins delivered to a local jeweler; he went with one of the kidnapers to retrieve the first batch, which was \$500,000.

All of this took a month, and the atheists seemed to believe that they wouldn't be harmed if they complied. The Waters gang nonetheless decided to kill them without waiting for the rest of the money.

"At that point they strangled them one by one, and it took three of them to strangle Jon Garth Murray because he was so large and he fought back," John MacCormack said.

The bodies were taken to the storage unit, where Karr was given an extra \$50,000 to cut them up. The victims' remains were placed in blue barrels.

## Found at Last

Before the trio buried the bodies, they took a trip to Dallas. Fry was ambushed, shot in the back of the head, mutilated and left by the Trinity River. Then Waters and Karr took the barrels to a ranch about 120 miles outside San Antonio. The rest of the remains were buried in a shallow grave there.

"The first bone that we located was a bottom portion of a femur," said Dr. David Glassman, a forensic anthropologist. "And I could see very easily that this bone had been severed about midway."

Jon's skull appeared to be fractured, and a plastic bag had been placed over his head. The metal from Madalyn's hip replacement was evident. All three victims were unearthed, along with a plastic bag that contained the head and hands of Danny Fry. The skull had a bullet wound that traveled from the back to the front, Glassman told The Dallas Morning News in 2001. It was a somber ending for four people who hadn't fit in to mainstream society.

The remains were collected, and Bill, Madalyn's other son, was notified. Authorities identified the O'Hair family through dental records and were unable to determine causes of death. Although the unfolding saga of MacCormack's investigation and Karr's trial commanded bold headlines and frequent television coverage, the discovery of the remains of the O'Hair family was met with something like nonchalance. Madalyn seemed to belong to another time, an outdated relic of a more rebellious era in American history.

"There was a sense of now there can be a conclusion to Madalyn Murray O'Hair," Bill said. "She can be taken somewhere, and her remains can be put somewhere, and that can be the end of it."

But as in life, Madalyn Murray O'Hair wouldn't go quietly in death.

## A Sendoff

A battle ensued over Madalyn's remains between Bill and the surviving leadership of American Atheists. Bill wanted his mother to have a quiet, dignified burial. The atheists thought that their fallen leader should be memorialized by the organization she created and to which she had left all her assets.

Atheist president Ellen Johnson told reporters that Bill had no right to the remains and threatened to sue. But Texas law was on the side of Bill, and he took control of the remains and ordered them cremated, which was his mother's wish. Madalyn had also said she wanted her ashes scattered, but that wouldn't happen. Instead, Bill buried the trio together in an unmarked vault somewhere in Austin on March 23, 2001.

"They lived together, they were kidnapped together, murdered together and thrown in a common grave together," Bill told MacCormack for a story in the San Antonio Express-News. "I just thought they should be buried together."

No members of the American Atheists were told about the burial out of fear that they or sympathizers might attempt to steal the remains. Instead, the ceremony was attended by several FBI agents and a pastor who was a witness. And in keeping with her wishes, no one prayed over her.

Johnson vowed to continue Madalyn's fight, but the loss of the fiery leader was a blow from which the organization took long to recover. Bill continued his work as an evangelical Christian, preaching about his faith in God and writing books. Waters died of cancer in prison in 2003.

As for Madalyn, it's unlikely that in her final moments she prayed for divine intervention, deliverance or salvation. "I think it's important to understand that once you're dead, you're dead," she told a reporter from The Tampa Tribune in 1990. "Just as soon as the brain starts to rot, that's the end of the story."

TruTV.com

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### The Atheists' Cold Case Gets Warmer

First of two parts

By Paul Duggan - Washington Post Staff Writer

Monday, August 16, 1999

AUSTIN —½ The corpse, reposing on its back near the water's edge, was that of an adult male, freshly butchered by the looks of things.

Standing over the body, Detective Robert Bjorklund of the Dallas County Sheriff's Department noted very little blood. Whoever did it killed him elsewhere, using a blade to make him a John Doe. The dead man's head was nowhere to be found. His hands were missing, too.

"On October 2, 1995 at approximately 3:30 p.m., our Department ... recovered the body of a nude white male," Bjorklund wrote in a bulletin. "The body was found ... in a wooded area about 50 feet from the riverbank of the East Fork Trinity River."

For a long time, there wasn't much more to say. Except for his approximate age (about 40) and estimated height and weight when he still had hands and a head, the victim was a mystery in a morgue drawer.

Until last winter, when the dead man told a tale.

After detectives finally confirmed his name in January, the story behind his killing began to take shape —½ a tortuous story of greed and revenge, abduction and murder, and a half-million dollars in stolen gold.

It's an unlovely tale, at turns tragic and darkly absurd, about a once-famous woman, a '60s iconoclast, Madalyn Murray O'Hair. She was America's best-known atheist, its leading public blasphemer, a litigious foe of God and religion. Four years ago, she and two family members vanished from their Austin home. Now authorities say they're convinced the three were kidnapped, slain and disposed of —½ murdered just as surely as the victim in Dallas County.

Madalyn Murray O'Hair, The Famous Atheist: In a 1960 lawsuit she claimed public-school prayer was unconstitutional, and the Supreme Court agreed in a landmark ruling. To some, she was an inspiration, a doughty homemaker bellowing the stifled sentiments of Americans who felt oppressed by religious convention. Yet to others in that Cold War era, she was anathema, a subversive, the Antichrist come to rot the nation's spiritual foundation —½ and for years she thrived on their enmity, exploited it, made ungodliness her livelihood.

Then one day in 1995, at age 76, she seemed to drop off the Earth. Her son Jon Garth Murray, 40, and adopted daughter Robin Murray-O'Hair, 30, disappeared with her. So did a fortune in gold coins.

A mystery, like the corpse by the river.

Until the corpse got a name.

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"The most hated woman in America," she proclaimed herself in the '60s. Life magazine headlined the quote in a 1964 profile. But that was an anxious America on the brink of tumultuous change. By the time Madalyn Murray O'Hair vanished, the country had long got over her.

She was obese, slowed by diabetes and a bad heart —½ a cultural leftover, dimly recalled. She could, and did, still rail and cuss at "the Christers" and at God-fearing piety in all its forms; she was as churlish and foul-mouthed and contentious as ever. But almost no one paid attention anymore. And when suddenly one morning she was gone, the world just shrugged. Ashes to

ashes.

She was working-class Pittsburgh by birth, Madalyn Mays, Presbyterian.

At 22, she eloped. Five years later, in 1946, she had a son. The father was a well-to-do Army officer with whom Madalyn had an affair. She divorced her husband, but the officer, an obedient Catholic, refused to leave his wife. Madalyn took his name anyway, becoming Madalyn Murray, and the boy was baptized William J. Murray III. He runs an evangelical Christian foundation in Virginia now. He goes by Bill.

What begat his mother's anger — her caustic combativeness in general, and in particular the sneering contempt for religion that made her famous — may never be clear. Bill Murray points to the poverty she endured after his birth. "Mother came to hate the Catholic church and the pope for preventing her marriage to a man of considerable wealth," he wrote in his 1982 memoir.

In Baltimore, where they landed in the early '50s, she had another son by another man. Jon Garth Murray, she named him.

One morning in 1960, while enrolling Bill in junior high, Madalyn Murray heard students reciting the Lord's Prayer. The school wouldn't excuse Bill from joining in, so she took Baltimore's school board to the Supreme Court — and here her legacy gets tricky. Her lawsuit was merged with a case from Pennsylvania already on the docket, and it was the Pennsylvania case that led the court to ban public-school prayer in 1963. Madalyn Murray wasn't the only plaintiff in that historic ruling, nor was she even essential. She was merely the litigant with the loudest mouth. And it made her a celebrity.

"In reality my mother did not create the times, the times created her," Bill Murray wrote recently on his Web site. While the other plaintiff, a Unitarian, quietly went home to Philadelphia, Madalyn Murray set about ridiculing mainstream America's inviolate beliefs. In lectures and debates, she inveighed against religion. "We find the Bible to be nauseating, historically inaccurate and replete with the ravings of madmen," she told Life. "We find God to be sadistic, brutal and a representation of hatred."

Johnny Carson had her on, Merv Griffin, a dark-haired Phil Donahue on his debut show. There was a late-'60s film documentary, "Mad Madalyn." She became The Famous Atheist, riding the counterculture tide in a muumuu.

Of course Life's readers were appalled. But as Bill Murray wrote, "Every misfit in America was sending my mother letters of praise with a check enclosed."

So began American Atheists Inc., committed to pursuing "the total, absolute separation of government and religion." The tax-exempt organization, with chapters dotting the country, gave Madalyn a comfortable living for years. She was atheist-in-chief, fund-raising whip and financial czar in a crusade for such strict public secularism that she wanted "In God We Trust" removed from U.S. currency. After setting up headquarters in Austin in the late '60s, she married and divorced again, becoming Madalyn Murray O'Hair. By then Bill Murray was a drug-using alcoholic and the single father of a small girl, Robin.

He drifted away from his mother, leaving her with his child, whom Madalyn eventually adopted. Thus her granddaughter became her daughter, Robin Murray-O'Hair, the niece/sister of Jon. For years, Bill Murray wandered in and out of Madalyn's orbit, until the late '70s. "I turned to a Twelve Step Program to stop drinking," he wrote, "and there found my first awareness of a loving God." He became estranged from his family, and on Mother's Day 1980, he declared himself a Christian.

Meanwhile, from 1969 — when she successfully pressured NASA to prevent astronaut Buzz Aldrin from taking televised Communion on the moon — through the '70s and into the Reagan era, The Famous Atheist marched to court again and again, battling religious symbolism in the official domain. But God made a comeback. In the '80s, while Madalyn Murray O'Hair partied in Hollywood and wrote speeches for porn publisher Larry Flynt, more and more people returned to church. The nation moved right. American Atheists kept claiming a membership in the high five figures, and O'Hair went on suing the Christers, but by 1990 all her chapters were gone. It was the Christers with their political agendas who were getting the TV time, while O'Hair taped diatribes for cable access. By 1993, her radio show, once on 150 stations, was off the air.

"The last ten years of her life she became even more profane and vulgar as the demons she courted got their final hold on her," wrote Bill Murray, who watched his mother from afar as she slid into obscurity.

O'Hair's obscenity-laced diaries (sold for \$12,000 at a tax auction last April) confirm what some of her ex-employees now say: that she considered them idiots — "pimps, whores, hopheads, queers, pinkos, drunks, glue-sniffers and freaks," she wrote. They say she sometimes stalked the halls of her spacious headquarters, berating them. Jon and Robin, socially clueless as adults, were Madalyn's acolytes in the office. Reared in The Famous Atheist's image, they lived with her in a sprawling home in northwest Austin, ate meals with her, vacationed with her — heeled to her like overfed poodles, even when she kicked them.

"The unholy trinity," say people who knew them.

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In the months before they disappeared, the three were burdened with legal and financial worries. Contributions to American Atheists had slowed to a trickle. Jon and Robin, accused of misusing donations for personal expenses, were being sued by the IRS for \$1.5 million. And in California, a lawsuit accused O'Hair of fraud in her failed bid to gain control of an elderly atheist's \$15 million estate.

The rich atheist, James Hervey Johnson, ran a for-profit organization in San Diego that was much wealthier than O'Hair's. After Johnson refused to merge his operation with hers, O'Hair tried to wrest it from him, allegedly by falsely claiming ownership of stock. Johnson's lawyers thwarted her, then hit her with a \$7 million lawsuit, threatening to wipe out American Atheists.

As the November 1993 trial date neared, Madalyn, Jon and Robin "were really expecting to lose,"

says David Travis, who worked for them at the time. "They told us employees not to be surprised if we came to work one day and found the building padlocked." Roy Withers, an attorney for Johnson's estate, alleges that O'Hair ordered her most cherished asset, the American Atheists library, with 25,000-plus volumes, secretly packed and shipped into hiding.

"The whole library just disappeared one weekend and we never saw it again," says Travis, 56, who was a proofreader for O'Hair's newsletter.

There was a mistrial that fall, and a new trial was set for November 1994. Withers alleges that O'Hair continued to conceal and dispose of assets. "They were getting liquid," he says.

The 1994 trial ended in O'Hair's favor 1½ and by then Johnson was dead of cancer. But O'Hair feared his estate would win its appeal, says Travis. One day in March 1995, he says, he mistakenly opened an envelope addressed to Jon Murray in the office mail. He says it was a bank statement from New Zealand Guardian Trust showing an account with nearly \$1 million in it.

"I felt betrayed," says Travis, a retired Army sergeant. "It was obvious to me they were planning to disappear."

Five months later, on Aug. 28, 1995, Travis arrived for work and found a fellow employee staring at a typewritten notice on the door of American Atheists headquarters. "The Murray-O'Hair family has been called out of town on an emergency basis," it began. "We do not know how long we will be gone at the time of the writing of this memo."

Travis, among others, figured forever.

"I actually wrote them an indignant letter and sent it to their home address, thinking they'd made some arrangements to get their mail," he says. "I expressed my indignation that they'd abandoned everything they'd worked for.

"But I never heard back."

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Despite widespread suspicion that the family had skipped Austin for good, perhaps for a South Seas climate, one of American Atheists' most devoted members refused to believe it. Ellen Johnson, a New Jersey homemaker, was a longtime O'Hair loyalist whom the atheist leader had appointed to her nominal board of directors. In the leader's absence, Johnson took charge of the group and voiced its official position.

"I was the one who kept saying, 'They'll be back! Why wouldn't they be back? Of course they'll be back!' " Johnson, 44, recalls now.

At the big house in northwest Austin, there were clear signs that Madalyn, Jon and Robin had left in an unusual hurry. For one thing, their unfinished breakfasts were still in the kitchen. Yet Johnson got a call from O'Hair early in September, not long after the family's departure, and got calls from Jon and Robin as the month went on 1½ all on Jon's cell phone. The three said they were in San Antonio. They wouldn't say what they were doing, but assured Johnson they were well and would be home eventually.

"People were saying to me, 'Wake up and smell the coffee, kid,' " says Johnson, now president of American Atheists, based in Cranford, N.J. "But I'm thinking to myself, and telling everybody, 'Don't worry, don't worry.' "

The Austin police weren't worried. After receiving a missing-persons report in September 1996 from born-again evangelist Bill Murray in Virginia, detectives told him they could find no persuasive evidence of foul play, and wouldn't spend time and money searching for three adults who appeared to have left town on their own. The only official agency showing an interest in the atheists' whereabouts was the IRS. Suspecting that the family had absconded with tax-exempt funds, an IRS criminal investigator named Edmond J. Martin began a money-laundering probe in February 1997, more than a year after the family was last heard from.

Not until 1998 1½ long after even the most trusting of O'Hair's followers had given up on her coming back 1½ did the tropical-hideaway theory finally give way to the likelihood of homicide. The realization dawned last fall when Dallas County detectives 1½ who knew almost nothing about the missing atheists from Austin, 175 miles to the south 1½ got a tip in a local murder case that had gone unsolved since 1995: the corpse by the river.

The tip was the dead man's name.

The name convinced an array of law-enforcement agencies that The Famous Atheist and her kin weren't lounging on some palm-shaded beach after all, but, like the victim by the Trinity, had been murdered. Suddenly the case of the vanished atheists became an odds-on triple homicide, with evidence pointing to suspects, including a disgruntled ex-employee of American Atheists named David Roland Waters.

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Waters, described by people who know him as bright and supremely self-confident, was 45 when he took a job as a typesetter for O'Hair's newsletter in January 1993, having answered a help-wanted ad. "Religious persons may feel uncomfortable," the ad warned, which didn't deter Waters. His Illinois rap sheet shows he had been walking a decidedly unsaintly path for much of his life.

Near Peoria in 1964, at age 17, while on juvenile probation for a burglary, he joined three other teenagers in fatally bludgeoning a 16-year-old boy in a dispute over 50 cents' worth of gasoline. Prosecuted as an adult, he got 30 to 60 years, was paroled in 1976, then imprisoned for assaulting his mother. After serving time for forgery in the '80s, he moved to Florida, then to Austin, where he spotted O'Hair's newspaper ad. She hired him on the morning he showed up for an interview, and a year later promoted him to office manager.

In March and April 1994, however, while Madalyn, Jon and Robin were out of town, Waters took \$54,415 from the group's bank accounts. He was charged with theft 1½ although he insisted he had withdrawn the money at Jon Murray's behest.

Waters and a ghostwriter later recounted the incident in an unpublished book about the atheists. The withdrawals occurred during the period when O'Hair allegedly was hiding assets. Waters claimed he had been told to gradually siphon \$100,000 from the accounts, keep \$15,000 as a fee and stash \$85,000 in Murray's office safe. But after making several withdrawals totaling \$54,415, Waters said, he got nervous and decided to stop midway through the scheme. He claimed he kept his \$15,000 fee and put the remaining \$39,415 in the safe.

The atheists then framed Waters for theft by secretly pocketing the money in the safe and accusing him of stealing \$54,415, says Waters's lawyer, Patrick Ganne.

An alleged double-cross by the unholy trinity.

Yet what proof did Waters have? He had only his word — the word of a convicted killer and forger. If found guilty of theft at a trial, Ganne says, Waters could have been locked up for life as a habitual offender. So in May 1995 — three months before the family disappeared — he pleaded guilty in a deal with prosecutors. He got probation and was ordered to repay American Atheists the full \$54,415.

Many months later — after IRS agent Martin's money-related search for the missing atheists turned into a homicide probe by a slew of investigative agencies — Martin filed a 36-page affidavit requesting a search warrant for Waters's apartment. The affidavit details what authorities believe happened to the family.

After the theft charge in 1994, O'Hair excoriated Waters in her newsletter, laying out choice details of his criminal convictions, including the late-'70s assault on his mother, in which Waters had been accused not only of beating her with a broom handle, but of urinating on her. According to Martin's affidavit, Waters fumed, voicing "fantasies of killing Madalyn," of "seeing Madalyn suffer and snipping off her toes." In the summer of 1995, after buying duct tape, rope and handcuffs, the affidavit says, Waters phoned two old buddies in Florida and invited them to Austin.

One of them, Danny Raymond Fry, then 41, was a hard drinker and occasional small-time "con man," according to Martin. His criminal record consisted mainly of drunk-driving arrests.

The other, Gary Paul Karr, then 47, was a harder case, with a record of mayhem dating to the '60s. Karr had just got out of prison, in March 1995, after serving 21 years for two armed robberies and the violent kidnapping of a judge's daughter. He and Waters had done time together in Illinois in the mid-'80s.

By July 1995, Fry and Karr had moved into Waters's Austin apartment.

Although no charges have been filed in the atheists' disappearance — and the suspects deny being involved in it — the search-warrant affidavit alleges what happened next:

"WATERS, KARR and FRY planned and executed the scheme to abduct, kidnap and murder MADALYN MURRAY O'HAIR, JON GARTH MURRAY AND ROBIN MURRAY-O'HAIR for the purpose of stealing" hundreds of thousands of dollars.

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In Virginia, Bill Murray read the affidavit and inferred a scenario from the wealth of circumstantial evidence described in it.

On his Web site, he wrote that Madalyn and Robin "were held for almost 30 days, probably tied and gagged, while my brother desperately tried to obtain ransom money. At all times my brother was escorted by the kidnapers. Should he have run? Should he have tried to get help? I would have."

But from what the evangelist had observed of his estranged family, Jon "was a total slave to my mother. He saw himself as her provider and rescuer. All his life she had talked down to him and made fun of him and now, in his mind, he would show her his worth by single-handedly rescuing her."

As for The Famous Atheist, Bill Murray imagined her at the end.

"I can see her now, looking down the barrel of a gun, saying, 'You don't dare shoot me. I AM MADALYN MURRAY O'HAIR.' Of course, the killers did not care who she was, just as most Americans didn't care."

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### **Among the Faithless, a Faith Badly Broken**

Part Two

By Paul Duggan - Washington Post Staff Writer

Tuesday, August 17, 1999

SAN ANTONIO — Among the famously vanished — Amelia Earhart, Jimmy Hoffa — that vilified and idolized secularist war-horse of years ago, Madalyn Murray O'Hair, falls in the has-been category.

Unlike the darling aviatrix and the mobbed-up Teamsters boss to whom she's often compared, The Famous Atheist, at age 76, was mired in obscurity when last she was heard from, in 1995.

Even still, after O'Hair and her two closest relatives disappeared from Austin, seemingly absconding with a fortune in American Atheists money, the news spread far beyond the Texas capital. Over the months, there were people who swore they saw her in Canada, in Mexico, in the South Pacific. Supposedly she had taken the dough and run, slipping into hiding with her two atheist deputies and ever-loyal kin, son Jon Garth Murray, 40, and adopted daughter Robin Murray-O'Hair, 30.

But three men knew otherwise, authorities now allege. David Roland Waters, a disgruntled ex-employee of American Atheists, and two pals of his from Florida, Gary Paul Karr and Danny

Raymond Fry, are accused in a court affidavit of holding the family captive, coercing Jon Murray to help them steal hundreds of thousands of dollars, then murdering the three atheists and disposing of their bodies.

"Oh, I'm sure she's with Jimmy Hoffa," Waters's attorney, Patrick Ganne, says of the notoriously bellicose O'Hair. "And I'm sure they're getting along well." But Waters, 52, had nothing to do with her disappearance, the lawyer says. An attorney for Karr, 51, says his client also is innocent. And so far no charges have been filed in the case. The affidavit, signed by an IRS criminal investigator, Edmond J. Martin, was used to obtain a search warrant for Waters's apartment last spring.

As office manager at O'Hair's Austin headquarters in early 1994, Waters got a close-up look at how the family was handling American Atheists finances. It was during a period when O'Hair allegedly was concealing and liquidating assets, perhaps planning for a secret retirement with Jon and Robin.

According to Martin's affidavit, Waters "began obsessing about his ability to take Madalyn's money," telling his then-girlfriend "about the O'HAIRS being able to gain all of their money from scamming individuals, as did tel-evangelists. Because of his office manager position, WATERS learned that [the three atheists] had money located in accounts in New Zealand. ... He believed the O'HAIRS had obtained the money by fraudulent means."

Before Waters and O'Hair had an angry falling-out in the spring of 1994, trading allegations over the theft of \$54,415 from the organization, "WATERS made copies of records relating to the transfer of money to New Zealand," Martin wrote.

Then in the summer of '95, the affidavit says, Waters invited his two Florida buddies to Austin for an ambitious undertaking ½ "a big score," one of them allegedly told a relative.

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Gary Karr rented a minivan in Austin on Aug. 26, 1995, according to Martin's affidavit. It was a new Ford Windstar with plenty of passenger space.

On Aug. 28 ½ the day O'Hair and her family disappeared from their home ½ Karr and David Waters were 75 miles south of Austin, checking into a cut-rate residential motel called the Warren Inn, the affidavit says. The Warren sits hard by a six-lane commercial drag just north of downtown San Antonio. They told a clerk they planned to stay through the end of September, according to the affidavit. Fry was there, too. They paid in advance and carried their belongings to Room 11.

As for the three atheists, investigators later spoke with people who had been at or near the motel that September ½ and a former Warren maintenance man recalled seeing a woman using a walker who matched O'Hair's description. He said he had noticed her struggling to get around, aided by some men. Shown a photo of O'Hair, he said he was sure she was the woman. But he couldn't identify her companions.

From late August through the end of September, a series of financial transactions occurred in San Antonio that authorities find highly suspicious.

Aug. 28 to Aug. 31, for instance: "Jon Murray cashed checks on various Atheist accounts and received cash advances on various credit cards totalling \$20,900," Martin wrote. The figure rose to nearly \$71,000 by Sept. 29.

Then there was the sale of Jon Murray's Mercedes. Someone put an ad in the San Antonio Express-News: "88 Benz 300 SEL \$15,000 cash. Firm." The ad, which included Murray's cell phone number, caught the eye of Mark Sparrow, a local real estate salesman. Sparrow knew a seven-year-old 300 SEL in good condition was worth \$20,000, maybe more. On Sept. 15 he called and asked to see the car. The man he spoke with gave his name as Jon Murray and said the Mercedes was parked outside the Warren Inn. He told Sparrow to drive by and take a look. If he liked what he saw, he could ask for Jon across the street in Bonnie Jean's Tavern.

Sparrow gave the car a once-over that afternoon, then found "Jon" in Bonnie Jean's, sitting at the bar. "He was cocky, arrogant," Sparrow, 47, says now. "Just his way of talking, y'know? His whole attitude." After a test drive, Sparrow wanted the car, and arranged for a check to be waiting at his bank in Jon Murray's name.

"I imagine it was the real Jon Murray who picked up the money," says Sparrow. But it wasn't Murray who sold the Mercedes. Much later, when an investigator showed him photos, Sparrow identified the seller as Danny Fry.

Another car deal: Rothery McKeegan, 80, a retired Air Force pilot, and his wife, Jean, 79, advertised their '90 Cadillac Eldorado for sale. On Sept. 16, they say, Waters called their home in a San Antonio suburb and arranged to come by. He took the Caddy for a spin and agreed to the price: \$13,000. He and the McKeegans drove to the couple's credit union, sat at a desk and signed the paperwork.

"Is cash all right?" Waters asked. The McKeegans smiled at his joke. But then Waters reached into a pocket, pulled out what Jean McKeegan says was "quite a wad of bills," and counted \$13,000 on the desktop.

"I thought that was an odd thing," she says.

The IRS man saw a pattern. Noting the Sept. 16 purchase date in his affidavit, Martin wrote that "an analysis of the bank account and credit card withdrawals" by Jon Murray on the 14th and 15th "reveals the accumulation of \$13,000 in cash."

Meanwhile, throughout the month, Jon and Robin occasionally checked in by phone with American Atheists colleagues, assuring them that all was well. They said they had been called out of town on emergency business and would be home eventually.

So went the first half of September 1995 ½ a mere prelude, it turned out, to the events of the rest of the month, when the stakes got considerably higher.

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In a strip mall four blocks from the Warren Inn, Cory Ticknor, 42, does business as Cory's Fine Jewelry and Rare Coins. He says Jon Murray called him in mid-September and asked to buy \$600,000 in gold. After they talked it over, Murray decided on South African Krugerrands, American Gold Eagles and Canadian Maple Leafs ½ 1,506 coins in all. Ticknor told him he wanted the \$600,000 wired into his San Antonio bank account, and that he'd order the gold from his supplier as soon as the money showed up.

On Sept. 15, according to Martin's affidavit, after a flurry of long-distance calls were made on Murray's cell phone, New Zealand Guardian Trust wired \$620,594 to atheists organization accounts at a New Jersey bank. On Sept. 21, Murray and a man who called himself Conrad Johnson ("a fictitious name," the affidavit says) flew to New Jersey from San Antonio. They asked for a single room with twin beds at a Sheraton. The next day, before they flew back to Texas, Murray visited the New Jersey bank and ordered a \$600,000 wire transfer to Ticknor.

The gold dealer and the atheist met on Friday, Sept. 29, in a secure room at a San Antonio bank. Ticknor, accompanied by an off-duty cop moonlighting as a security guard, had \$500,000 worth of coins with him ½ about 100 pounds of gold packed in boxes. The rest of Murray's purchase had yet to arrive from the supplier.

Murray came alone. "He kind of didn't smell very good, like he'd been out in the heat for a while and hadn't showered," Ticknor recalls. Murray chatted calmly with Ticknor but said nothing to the police officer. He showed Ticknor his driver's license and signed the dealer's paperwork. Then he stacked the boxes of coins on a dolly, wheeled them out of the bank and loaded them in the trunk of a big car.

For Ticknor, who does a fair amount of business with militia types and Y2K doomsayers, there was nothing strange about the transaction. He watched Murray drive away, expecting to see him again after the weekend, when the rest of the gold was due to arrive. He still owed Murray \$100,000 worth of Maple Leafs.

The coins came in the following Monday, Oct. 2, and Ticknor tried to reach Murray on his cell phone. He says he tried every day for two weeks. But he got no answer.

Cellular records show the phone was last used on Friday, Sept. 29, the day Murray picked up the \$500,000 in gold. "From that point forward," Martin wrote, "no calls were made on the cellular phone, and the O'Hairs were not heard from thereafter."

On Saturday, Sept. 30, Waters, Karr and Fry were back in Waters's Austin apartment. "Waters had thousands of dollars ... as well as a lot of new clothes" from Saks Fifth Avenue, wrote Martin, who interviewed Waters's then-girlfriend.

The woman told the IRS man that Waters also had a shopping bag with three pairs of bloody sneakers in it. "Fry looked sick," the affidavit says. "It was obvious that Waters and Karr were getting along, but Fry was not part of the group."

Unlike Karr and Waters, each of whom had a long record of criminal mayhem, Fry, who had just turned 42, was a low-rent "con man" with no documented history of violence, according to Martin. That weekend, Fry packed his belongings for the trip home to Florida. At some point all three men left the apartment, the affidavit says, and when Waters and Karr returned a day or two later, Fry was no longer with them.

Then Karr said goodbye, driving home to Florida on Tuesday, Oct. 3, after he and Waters spent a celebratory night with their girlfriends in a lakefront Four Seasons hotel outside Austin. The convicted stickup man, free for just seven months at that point after two decades behind bars, had upgraded his wardrobe, like Waters.

"Karr bought a leather jacket, three tailored Armani suits, \$300 pairs of Johnson and Murphy shoes, \$200 ties and \$90 socks," Martin wrote.

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It was a nude corpse that gave away the plot, authorities now say.

An old man scavenging for aluminum cans along the Trinity River near Dallas discovered the remains on Monday, Oct. 2, 1995.

The victim was male.

"The body was decapitated and the hands were severed," wrote Detective Robert Bjorklund of the Dallas County Sheriff's Department. To Bjorklund ½ who knew almost nothing about the missing atheists from Austin, 175 miles to the south ½ the killing had the look of a drug hit. "The head and hands were never recovered," he wrote. "Because of the lack of blood found at the scene, it is speculated the homicide and decapitation occurred somewhere else."

No face, no fingerprints, no clothing, no ID. The case was ready-made cold and stayed cold for three years.

Meanwhile, 250 miles to the south, reporter John MacCormack of the San Antonio Express-News became intrigued by another mystery gone cold ½ that of the missing atheists. He turned his attention to the case in the summer of '96 for a year-after update story. Like many people, MacCormack figured that the atheists, burdened by money and legal problems, had skipped out for parts unknown after their unexplained month-long stay in San Antonio. But the more he looked into Jon Murray's odd financial dealings in the city that September, the more skeptical he became.

He wound up gumshoeing the case for nearly two years, chasing leads with the help of a private detective. He learned that David Waters also had been in San Antonio in September '95, and that Waters and O'Hair detested each other. He found out about the gold and about the sale of the Mercedes by a mystery man posing as Jon Murray.

Then last June he got a phone tip. A caller said he had watched a TV report about the three atheists and had been struck by the timing of their disappearance. He said an acquaintance of

his, Danny Fry, had been in San Antonio that same month ½ and also had vanished. Fry hadn't been seen or heard from since the last weekend of September 1995.

The name Fry meant nothing to MacCormack. He kept listening, politely uninterested until the caller mentioned another name, a familiar one.

The caller said Fry had traveled to Texas to visit a friend, David Waters. That made MacCormack sit up straight. Here suddenly was another missing person with a connection to Waters. MacCormack suspected it wasn't a coincidence.

Four months later, October 1998: Scanning the Associated Press wire on his newsroom computer one day, MacCormack noticed an article out of Dallas, a third-anniversary story about a local unsolved homicide. The victim, a John Doe, had been decapitated and left by the Trinity River. "A dead white guy found on the same weekend Fry disappeared," MacCormack, 49, says now. "It was a long shot, but the physical description was Fry's. The age was Fry's. He had the right size feet. No scars or tattoos."

MacCormack got in touch with detectives in Dallas County, gave them a short course on the O'Hair mystery and tipped them to a possible name for the corpse.

In January, DNA confirmed it was Danny Fry.

Which made a lot of cops and federal agents sit up straight.

"Once you have Danny Fry as the dead guy with no head, you no longer have three people sitting on a beach with tropical drinks," MacCormack says, referring to the missing atheists. "You have a dead guy, and probably you have three more dead people somewhere, and it all points to Waters."

Which put Waters, and soon Karr, at the eye of a belatedly urgent homicide probe, and led to Martin's conclusions about what had become of the atheists.

Dust to dust.

"Your affiant also has reason to believe that after the fraudulent activities, laundering of money, theft of \$500,000 of gold, and murder of the O'HAIRS, that WATERS and KARR turned on FRY and killed him," Martin wrote.

Which resulted in search warrants being issued on March 24 this year for Waters's Austin apartment and Karr's residence in a Detroit suburb. Based on what investigators found, both men were jailed on weapons charges.

It's illegal for a convicted felon to possess a gun or bullets. Among the scores of items seized from Waters's place were 119 rounds of pistol ammunition and evidence that he had recently transported firearms. He pleaded guilty and could get 20 years when he is sentenced later this week. Karr was arrested after federal agents allegedly found two loaded handguns in his apartment. He is awaiting a trial.

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In the meantime, the investigation grinds on, including the search for more evidence in the Fry homicide. No charges have been filed in that case, either.

As for the gold ½ well, here's what can happen to the best-laid plans:

After the elaborate, month-long San Antonio caper, authorities allege, the suspects held on to about \$80,000 worth of the coins, put the rest in a suitcase and stashed the bag in a rented walk-in storage locker. A few nights later, along came a trio of burglars, just three knuckleheads hoping for maybe a stereo. They happened to hit a locker with only a suitcase in it. "I'd love to have been a fly on the wall when they opened it," says Rene Solinas, an FBI agent in San Antonio. "The pot at the end of the rainbow!"

To a thief, the beauty of gold coins is that in some ways they're better than cash. Almost any pawnbroker or dealer will buy them. And because they have no serial numbers, they're untraceable, like nickels and dimes. The FBI caught up with the burglars recently, but the coins are long gone ½ an estimated \$420,000 worth, sold, traded, spent. "They blew right through them," Solinas says. "No 401(k)s for these folks."

The storage unit was rented for Waters in 1995 by his then-girlfriend, who never saw what was in it, according to Martin. But the burglars can testify about what they found in the locker. Because the three have agreed to cooperate with investigators, Solinas says, no charges have been filed against them.

To date, of all the coins Jon Murray wheeled out of the bank four years ago, only one has been recovered: a gold piece that a friend of the burglars fashioned into a brooch.

Waters's attorney, Ganne, says his client is innocent in the O'Hair and Fry matters. "He can't tell you anything," the lawyer says. "He doesn't know a thing."

Which puts him at odds with Karr. At a March 26 court hearing in Detroit, an FBI agent testified that Karr admitted being involved in "four unsolved homicides in Texas," although he has yet to be charged in any killings. The agent said Karr acknowledged that he "flew from Texas to, I believe it was Newark, with one of the victims, and a bank transaction happened, and money was wired from the bank in Newark to Texas."

Karr's lawyer, Tom Mills, says the agent was "taking liberties with what [Karr] told them. From what I understand, he never admitted that he was actually involved in those crimes, but that he did have knowledge of them from the other guy, Waters."

As for when authorities might file charges in the atheists' disappearance, Ganne says, "I think they're holding out for the bodies." Absent such hard proof of murder, says Mills, "I don't see how they're going to make a case," given the evidence for a defense argument that the three planned to disappear on their own.

"I'd pursue a defense that God has zapped them," says Mills, deadpan.

Meaning long after America lost interest in its most hated woman, the Almighty decided He'd also had enough, and just up and smote her.

"You shoot the finger at God," Mills says, "and all kinds of weird things can happen. Especially with a Texas jury."

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