

# THE JOHNKE MURDER CASE

By William Lanoue

Often these stories begin with huge headlines and ride a wave of publicity right to the end. There is hardly a break in the coverage and the action seems to always be at maximum throttle. The newspapers, radio, and television, pick up the story the first day, and like a hell-bent for leather running back, they don't stop until the clock runs out. There was the O.J. Simpson case in California and the Lindbergh kidnapping case in New Jersey, both of which hit the front pages and the air waves with astounding impact right from the start. Closer to home the Carol Thompson case in St. Paul in the early



O.J. Simpson

1960s was another saga that began with an explosive crime splashed across our newspapers and dominated the television from beginning to end. There were the high profile kidnappings in the '30s and the killing of a South St. Paul policeman on the steps of the post office, huge flashy crimes that grabbed us, literally demanding our attention. It is as if the story itself gives us no choice. Often this is the norm – but not always.

There are other cases, for instance, that begin with a small three paragraph story under a 24-point headline near the bottom of the page flanked by accounts of the manufacture of a new fire engine and a fatal car wreck. These are stories which begin with a whisper or a calm, matter-of-fact voice and do little more than make us wonder for a second or two before we turn our attention to something more substantial. Then we forget about it, maybe for a long time, but somewhere there are people paying attention, people with jobs that perhaps connect them with the little news account or who have an intimate relationship with the participants. They are paying attention and the story grows like a mushroom in a cave until one day it can no longer be contained in the shadows and it bursts forth like the other big cases grabbing us by the throat and holding us spell-bound for the duration.

So at the turn of this century just as in the 1930s we follow these dramas as they are acted out on the pages of a newspaper, carried on the words of radio announcers or conveyed with images across a flickering television screen. We pick the paper off the front stoop, carry it into the house and flick on the radio or television for the latest chapter, ready to be updated daily with real details of real stories involving real people. We did so in 1937 and 1938, we do so now, and we will do so in years to come. The method of conveyance of the daily episodes may change such as with television and cable news channels but the interest in mur-



Bruno Hauptman

der and the grinding legal struggle that ensues, particularly when the identity of the killer is not a foregone conclusion, is a constant. In a whodunit we have to stick around paying faithful attention to detail upon detail, day-by-day, right up to the very end of the story. But the truth is, whether the story begins with a bang or a whisper, it never really ends – we just quit paying attention.

In the Simpson, Lindbergh and Thompson murder cases the headlines were huge when they broke. The initial commentary was shrill and at maximum volume from the very first utterance all the way to the end of the story – or to be more accurate, when the media decided the story was over. But in the beginning of the Beatrice Johnke murder case it was a small account near the bottom of page one in the *South St. Paul Daily Reporter* on August 20, 1937 that started things rolling. From there the story built steadily with relentless momentum and strength until a jury of 12 provided the climax in a Dakota County courtroom over five months later.

It is a story that begins with the painful death of 49-year-old packinghouse worker Louis Johnke by what is termed a “strange poisoning” in the old West Side General Hospital in St. Paul. Before it is over his widow Beatrice Johnke, 41, also a packinghouse worker, will be arrested, charged with and tried for his murder. The legal talent in the case will include two future state governors on one side and a future District Court judge paired with a future legal titan on the other. There will be twists and turns, salacious testimony and bizarre evidentiary issues and turnabouts before it is over. From beginning to end the headlines will build and the news copy will both reflect and feed an insatiable public interest.

## The First Story

It is probably safe to say not everyone was paying attention when the first story in the Johnke murder case appeared in the *South St. Paul Daily Reporter* on August 20, 1937. It made the front page but so did stories about entertainers featured at a Dakota County 4-H club home talent barn dance and the renovation of a bar and restaurant by John Aller in the Hub Building on lower Grand Avenue. Across the top of the page a banner headline announced “Building Permits for Six Weeks Hit \$286,000 – Many Homes Being Built Within City.”



Louis Johnke  
St. Paul Dispatch

Each of these stories received greater play than the death of Louis Johnke at the bottom of the page. The Johnke piece is terse and to the point. It consists of three paragraphs with the lead relating only the bare bones essentials. It reads:

Louis F. Johnke, 49 years old, an employe (sic) of Cudahy Packing Co. plant at Newport and a resident of South St. Paul for the past three years died of a strange poisoning at 7 a.m. Thursday (August 19) at the West Side General Hospital, St. Paul. He had been ill since June 18.

The second paragraph told readers that his widow and two daughters survived him. The daughters are identified as Mrs. Theodore Milbrandt and Mrs. Frank Miller, both of St. Paul. The widow – Beatrice Johnke – is not identified by name. Before long her name will not only be splashed throughout the *Reporter* but in newspapers and magazines all over the metropolitan area, the state and even the country; a prosecutor will run for governor of the state at the same time he is trying to win this case and other legal reputations will move to the fast lane of upward mobility. After this reporters will never again neglect to mention her name.



*Johnke home, 1400 N. Concord St., South St. Paul. Pioneer Press, January 15, 1938.*

Also absent from the initial story is the address of the Johnke home. They lived at 1400 North Concord in what will be often called a trailer house. It

was situated partway up the Butler Avenue hill just above the current location of the Kaposia Village monument at the intersection of Butler and Concord. While the house carried a Concord Street address there was no access directly off of Concord, and while photographs from the time indicate little to identify the structure as a trailer home, it is safe to conclude it was a very small, very modest house by any standards. One published photograph shows a squat, dingy white structure; slightly sway backed with a makeshift porch that looks to have been added on haphazardly. Another shot taken from a different angle shows the house high on the hill above Concord and appears more in keeping with the trailer house characterization.

There is nothing about this part of town – the far north end of South St. Paul – let alone the house itself, which would lead anyone to conclude that it would become the flash point and focus of so much state, regional and nationwide attention. Concord was – and is – a working class street in a working class town. It has always been blue collar from one end to the other.

From the Johnke house, Concord angles to the south through what was once South Park, past numerous houses, small stores, markets, shops, saloons and taverns into what was then the heart of the city at the foot of the Grand Avenue hill. Here was the main intersection in town. To the east across the railroad tracks were the gates to the Union Stockyards and Swift and Co. From here livestock bawled and squealed in the near-by pens and at the chutes where

they were unloaded from trucks and rail cars, the animals all bound for packinghouse kill floors.

Workers streamed down the hill and along Concord in the mornings to go to work at the yards, Swifts, Armour and Co. and other smaller packinghouses in South St. Paul. It was a huge sprawling complex and Concord Street was the downtown of the city. People lived here and did business here. There were dry goods stores, food markets, drug stores, hotels, pool halls, a post office and countless taverns and bars now operating at full throttle since the repeal of prohibition.

Further down river a small turn of the century swing bridge crossed over to the east bank and the river town of Newport, site of the Cudahy packing plant where Louis Johnke worked. It is here that the state will allege he was first poisoned in sandwiches he brought from home for his lunch – sandwiches prepared by his wife Beatrice Johnke. The defense will counter with testimony that workers often shared each other's sandwiches and that no one else was made sick at the Cudahy plant. It is just a sample of how the case about to unfold will ebb and flow from one side to the other in a constant tide of accusation and refutation, hallmark of a case that has no clear cut answer. But all of this is yet to come. In the late summer of 1937 it is still a matter of the unfortunate death of a packinghouse worker, husband and father of two grown married daughters by what is termed a "strange poisoning."

### **The Milieu**

South St. Paul was like other working class towns. There were ambitions at all levels and people acted on these ambitions. Workers – many of them immigrants or migrants from rural areas under assault by a depression that began there years before the 1929 crash – had ambitions for their children that extended beyond that of the packinghouse kill floor. Merchants wanted bigger and better shops and more profitable methods of selling their wares or providing services. And professionals – mostly lawyers – ran for public office.

None of these ambitions were conducted in a vacuum. They mixed and mingled together, collided and conflicted with each other and sometimes even reinforced one another in a milieu that at times was both chaotic and evolutionary in scope and effect. One by one leaders emerged. Some flourished and went on to bigger and better matters while others withered after a time and dropped back into the pack. But overall the body itself, the town, the community lurched forward and made progress toward an undefined sometimes murky goal of conflicting dreams – but move forward it did.

One of the leaders who emerged from the pack with a flourish and in dynamic fashion was a young lawyer from West St. Paul. Harold Stassen was born April 13, 1907 on the 40-acre family farm near what is now the intersection of Wentworth and South Robert. He came from German stock and a family known for their common sense and deeply held religious beliefs. Stassen's parents met at the



*Harold Stassen  
in 1937*

Baptist church and Harold would meet his wife Esther Glewwe there as well. Esther's father was a pioneer grocer and businessman who had a thriving store in South St. Paul.

Stassen graduated from high school at age 14 and the University of Minnesota by the time he was 20. At age 22 he held a law degree from the University, and a year later, he was elected Dakota County Attorney. By 1936, when he was 29, he was presi-

dent of the Minnesota Young Republicans and a delegate to the Republican national convention that year. In the summer of 1937 his name was already being floated about as a challenger on the Republican ticket to Gov. Elmer Benson of the Farmer-Labor Party. He was clearly a young man on the rise by any measure.

In 1929 when Stassen emerged from the University of Minnesota Law School he started a law firm which would later be known as LeVander, Gillen and Miller and which is still in existence in the Bremer Bank Building on Concord.

Harold LeVander was a young lawyer in the firm as of 1937. LeVander was three years younger than Stassen and had graduated magna cum laude in 1932 with a Bachelor of Arts degree from Gustavus Adolphus, where he also excelled in athletics, and from the University of Minnesota Law School in 1935.

These two young lawyers, intelligent, well-educated, hard-working and ambitious, would be seated on one side of the counsel table in the Johnke case determined to send the woman to prison for murdering her husband.

On the other side of the table flanking Beatrice Johnke would be two other young and equally ambitious lawyers. Vance Grannis and Lawrence Lenertz were both in their late 20s, and Ivy Leaguers, Grannis having graduated from Harvard, Lenertz from Yale. Both came from South St. Paul and were appointed to the Johnke case by presiding Judge William A. Schultz after he learned that Mrs. Johnke could not afford to pay the lawyer she had initially hired. The two young men would bill the county at a rate of ten dollars per day for courtroom time.



*Vance Grannis, Beatrice Johnke, Lawrence Lenertz.  
Minneapolis Star, January 31, 1938.*

Fifty-year-old Judge Schultz was a story all by himself and a brief glance reveals the judge to be no stranger to ambition either. He was born in Rochester, Minnesota delivered by none other than Dr. William Mayo, Sr. and grew up on a farm in Brown County between New Ulm and Sleepy Eye, Minnesota. At age eight he suffered the amputation of a leg at the knee due to a bone disease but still managed to graduate from Sleepy Eye High School when he was 16. He attended the University of Minnesota Law School graduating three years later only to discover that the state required lawyers to be 21 before they could practice. Schultz waited out the time in other jobs until legally able to practice law. He located in South St. Paul in 1916 and opened an office in the old Drovers Bank Building at the foot of the Grand Avenue hill on Concord Street. He was elected municipal judge in South St. Paul in 1917 and in 1924 was appointed to the District Court bench by Gov. J.A.O. Preus for District 1 which included Dakota and Goodhue Counties at the time.

The day he learned Beatrice Johnke could not afford a lawyer Judge Schultz spotted the two young Ivy Leaguers, Grannis and Lenertz, in his courtroom and appointed them to the job on the spot.

### **Backdrop**

Three days after Louis Johnke's death a memorial service was held commemorating the first anniversary of the death of Gov. Floyd B. Olson. Fourteen people were killed this same weekend in statewide traffic accidents, the Japanese began bombing Shanghai, China on August 24 and Franklin D. Roosevelt defended his proposal to increase the Supreme Court where he had been having such a hard time with his New Deal legislation. Elsewhere, the Columbus, Toledo and Minneapolis baseball teams were locked in a heated race for the American Association pennant.

On August 30 Stassen gave a speech to a crowd at Thompson Lake in West St. Paul. He began his remarks, "We are here to celebrate and not to make speeches," then went on to sound very much like a candidate. He told those gathered how people at all levels, community, state and national, benefit when they work together in a spirit of cooperation.

What is not in the papers at the time but which is revealed later is that the young county attorney was already focused on Beatrice Johnke as a suspect in the death of her husband. One such account written several days after the verdict states that shortly after Louis Johnke's death, gossip regarding Beatrice Johnke's romantic adventures had reached the ears of Stassen along with reports that a pair of the Johnke dogs had died mysteriously prior to Louis Johnke's demise. Additionally the coroner had ordered the stomach and contents removed from the dead man and turned over to scientists at the University of Minnesota for analysis. The presiding pathologist at the autopsy, Dr. Kana Ikeda, would be the center of controversy in several legal battles played out much later in the Hastings courtroom.

It is clear that Stassen was exploring the possibility of

Generally fair tonight and Sunday; not much change in temperature.

# SOUTH ST. PAUL DAILY REPORTER

FOR NEARLY FIFTY YEARS SOUTH ST. PAUL'S COMMUNITY NEWSPAPER

He: "So you are dead to my readings?"  
 She: "Yes."  
 He: "But if I were to offer you a reading?"  
 She: "Oh, yes, but I'm not alone dead!" - Selected.

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## Local Woman Charged With Murdering Spouse

EAGLES WILL INSTITUTE A LOCAL AERIE

Town Topics

GIANTS, YANKS COMPETE TODAY IN 4TH GAME

Massed Colors Lead the Legion Parade

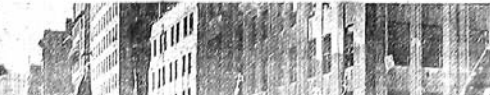
LATE NEWS BULLETINS

LOUIS JOHNKE DIED OF POISON IS ACCUSATION

South St. Paul Lodge to

"Better The Day, Better The Death"

Former, With Backs to



Indiapolis, Ind., Oct. 9.—Resumption of normal mail deliveries under government supervision was ordered today by Gen. E. ...

Widow to Be Arraigned In

becoming a very early candidate for governor, and from now on, both his political quest and his drive to convict Beatrice Johnke of the murder of her husband would proceed on parallel tracks.

The month drew to a close ending the hottest August in 118 years and the CIO won an election at Armour and Co. for representation of its workers. A polio epidemic closed schools in Chicago generating fear throughout the country. On September 4 a bomb was found in the Labor Temple in St. Paul and Max Schmeling signed to fight Joe Louis for the second time, a decision he would come to regret. Three days later the *South St. Paul Daily Reporter* carried a story of the death of an Iowa man from anthrax. The account stated that he had skinned an infected cow, thereby contracting the disease. Plans were in full swing for the scheduled visit to St. Paul by President Roosevelt on October 5, the same day the Giants opened the World Series by dropping the first game to the Yankees 8-1. And four days later the *Reporter* carried the banner headline: **Local Woman Charged With Murdering Spouse**

The story told readers how Beatrice Johnke, the 41 year-old widow of Louis Johnke had been formally charged with first degree murder in a complaint prepared by Stassen, South St. Paul Police Chief Edgar J. McAlpine, Dakota County Coroner Arthur W. Shepard and Ramsey County Coroner C. A. Ingerson.

Mrs. Johnke had been arrested at her home at about 1 p.m. the previous Monday and held since then on an open charge. On Saturday, October 9, McAlpine served the complaint on her in the city jail and her arraignment was set for Monday October 11, according to the newspaper account. It went on to give several teasing, albeit vague, details based on the complaint.

Immediately after his death Louis Johnke's stomach was removed and sent to the pathologists at the University of Minnesota where an analysis was made. It was reported that he died of arsenic poisoning. The complaint went on to state that Johnke had been in and out of both St. Luke's hospital and West Side General four times since June, suffering from what was called "food poisoning." The news story went on to promise disclosure later of "sordid details" involving Beatrice Johnke and another man, a relationship both she and the man in question had admitted to. Most intriguing of all however, is the item at the bottom of the

story stating that Mrs. Johnke had been administered a lie detector test, which registered "violent variations" when she was questioned about poison and arsenic. Then as now, lie detector or polygraphs were routinely used for investigative purposes, the results of which have never been admissible in court. It is the last time it is mentioned in public print.

At 9 a.m. Mrs. Johnke was brought before a municipal court judge accompanied by her attorney, J. Mattamore of St. Paul, who asked for a two-week continuance. She was ordered held until her next appearance on October 25, and questions regarding bail were referred to District Court Judge Schultz. Stassen told the court a grand jury would consider the case on November 8. The *Reporter* described her home as a "trailer cabin set up on a high bank on the west side of Concord north of Simon's Ravine."

On the same page, at the bottom and near the middle, a small story related that the state GOP convention was now scheduled for late November. Ten days later it was announced in the *Reporter* that a committee had been formed to promote the candidacy of Stassen for governor of the State of Minnesota. Co-chairs led the committee, one a Republican from Hastings and the other a Democrat from South St. Paul.

For the rest of the fall the local paper regularly carried front-page stories chronicling Stassen's rising political fortunes interspersed periodically with an update on the Johnke case. On October 25 it is reported that Stassen is scheduled to give a speech in Brainerd to Young Republicans groups. That same morning he is in court on the Johnke matter where yet another continuance is granted as a matter of routine. On October 28 it is reported that the Dakota County grand jury will take up the matter of Beatrice Johnke on November 8 and that a large banquet is being planned to officially launch Stassen's drive for the Republican gubernatorial nomination. It is also reported that support from out-state newspapers and groups is beginning to build for Stassen's candidacy. The *Rock County Herald* prophetically proclaims that "Many things can happen between now and then" but if Stassen were to secure the nomination then all of this pre-primary campaigning may just pay off for him.

Plans for the November 18 banquet are announced and updated and readers are told that over 700 are expected to

attend. Stassen's speech will be carried on radio, and the county attorney keeps himself busy in internal party politics and maneuvering as well as preparing the case against Beatrice Johnke.

On November 9 the grand jury formally indicts Beatrice Johnke for first degree murder in the death of her husband. Stassen and Assistant County Attorney Harold LeVander call 11 witnesses. The indictment makes a preliminary hearing unnecessary and the following day, when she is brought to court, Beatrice Johnke is alone. Her attorney Mattamore has reportedly withdrawn from the case.

On November 15 the *Reporter* carries a story about how the Hook 'em Cow band will be featured at the Stassen banquet, now only three days off as well as another account relating the postponement of Mrs. Johnke's arraignment on the murder indictment. Two young attorneys from South St. Paul, Grannis and Lenertz have been appointed by Judge Schultz to represent her and they need time to prepare.

Stassen's banquet comes off without a hitch. The young County Attorney makes it official: he will seek the Republican nomination for governor and will try to unseat the incumbent Elmer Benson of the Farmer-Labor Party. An estimated 1,000 people attend the banquet and the speech is carried over the radio.

The morning of the banquet Mrs. Johnke again makes a court appearance and another continuance is granted. On the same page the state GOP announces it is ready to "strike with force and vigor at the evils of class leadership as exemplified by the Farmer-Labor Party." In the Johnke story the reporter misstates her age, referring to her for the first time, as the "45 year-old trailer dweller."

Beatrice Johnke is finally arraigned on November 22. Under Minnesota law at that time she is deemed ineligible for release and is ordered held without bail pending trial. She appears with her attorneys and is described as calm. From now until the end of December the Johnke case is continued at least twice to allow Grannis and Lenertz to prepare for her defense.

They do their work and Stassen and LeVander do theirs while Stassen simultaneously continues his drive for the Republican nomination. Support for him within the party builds throughout this very cold December and he attends the state GOP convention on December 16. The month draws to a close with an account of Stassen making the annual report to a meeting of the state County Attorney's Association of which he is president. The new year of 1938 begins with a large rally for Stassen in Rochester on January 5.

On January 8 it is announced that the trial will begin January 10. Two days later in Hastings all of the parties in State vs. Beatrice Johnke gather in the second floor courtroom of District Court Judge William A. Schultz and the trial begins.

## The Trial

It is safe to say that on the eve of trial the story that has been developed and brought forth is a one-sided tale. It lacks dimension and depth, not to mention detail. A trial then often becomes a task of filling in the blanks. People are called to the witness stand and asked to take an oath to tell the truth. Documents are brought forward verifying or attesting to facts and conclusions. Experts put forth opinions. Questions are asked and answered and all of the evidence, physical and otherwise, is admitted or excluded under the constraints of what are believed to be time-honored and tested rules to insure that the entire process resembles the truth as closely as is humanly possible.

Outside observers to a trial are anticipating two issues. The first is that any profile of the accused developed prior to trial is incomplete at best, and secondly, there will be conflict during the course of the trial between discovering the truth and being fair.

Going into the trial the public knows very little about Beatrice Johnke except for one-sided accounts gleaned from the official records of the case. A survey of newspaper accounts reveals next to nothing being provided through defense sources or through interviews with family or acquaintances. There seems to be a sense that the upcoming trial will provide a full portrait of Beatrice Johnke.

When the lawyers, newsmen, witnesses, spectators and court personnel gathered in the small courtroom of Judge Schultz that cold day in January, it is nearly impossible to say who, if any one, was driving the story in the public eye. Was it the on-going campaign of a charismatic, energetic young lawyer for higher office? Or was it simply the time-honored mixture of sex, murder and uncertainty as to guilt? The easiest answer – and probably the most accurate – is both. There is no question that Stassen was serious about his audacious drive for the GOP gubernatorial nomination, but it would be a giant and unsubstantiated leap, to conclude that he was taking the lead chair in prosecuting Beatrice Johnke solely for political gain. It is equally sound to conclude that a candidate in Stassen's position would have been well-advised to let an assistant try any case where the outcome was in doubt, leaving him free to campaign and remain far from blame should the prosecution be unsuccessful. The opposite argument, that a high profile case keeps a prosecutor-candidate's name in front of the public, is equally valid. The stakes for someone in Stassen's position were high.

Stassen was in a game with a large stack of chips in the betting circle while the two lawyers sitting across from him had nothing to lose. Young lawyers in big complex cases are expected to lose. There was little on the line for Judge Schultz. He was a judge who by all accounts made his rulings with certainty and was seldom overturned by a higher court. He had been on the bench long enough to realize that when this case was over, another one would take its place. It is safe to say that the only person in the courtroom on this morning with more to lose than Harold Stassen was

## Mrs. Johnke Charged With Feeding Husband Arsenic In Hospital



Daily News, January 13, 1938

Beatrice Johnke. The stakes for her were very high indeed.

When everyone filed into the courtroom, the attorneys and Mrs. Johnke took their seats at a rather small rectangular shaped table inside the railing. They all sat at the same small table with Mrs. Johnke in the middle flanked by her lawyers on one side and Stassen and LeVander seated across from them. The table was situated perpendicular to the judge's bench and they sat in such a way as to face the judge. In order to talk to each other they only had to lean slightly one way or the other. Sharing one table was and is not uncommon, but based on the photographs taken in the courtroom that day, the principles to this trial would spend the next three weeks at very close quarters.

The trial began with jury selection, whereby the lawyers determine if a person can be fair and impartial in judging the facts of the case. The fact is the lawyers are probably more interested in finding those favorably disposed to their side of things. The other job of counsel in jury selection is to prepare or educate prospective jurors as to the merits of the theory of their case. Additionally each side has a set number of challenges, depending on the severity and nature of the case, enabling a lawyer to eliminate a prospective juror without stating a reason.

By the end of the first day, three of the 12-member jury have been selected. By Wednesday morning, the third day of trial, the lawyers were still trying to seat the last juror. At least three panels of 20 prospective jurors had been summoned and questioned by lawyers up to this point.

Grannis and Lenertz were concerned with whether jurors could remain fair and impartial in the face of testi-

mony indicating that Mrs. Johnke had engaged in a long term affair. Grannis approached the problem a couple different ways when he asked prospective jurors:

"Will the fact that this defendant associated with another man, before and after the death of her husband prejudice you as to her guilt or innocence as to the charge for which she has been indicted?"

Or more to the point:

"Would you be prejudiced against an unchaste woman?"

The *Reporter* stated that so many prospective jurors answered yes to these inquires that an extra panel had to be brought in to complete jury selection. It is a delicate area in the case.

Meanwhile other news coming out of the courtroom in Hastings is sparse but some members of the prosecution team were talking to reporters. Chief McAlpine told a reporter that shortly after Mrs. Johnke's arrest his men had disinterred two dogs from graves in the front of the Johnke house. The state's theory is that Beatrice Johnke tested the poison on the dogs before using it on her husband.

The day before delivering his opening statement Stassen told a reporter from the *Daily News* that there will be some "sensational developments" in the case very soon. He indicated that the man they were holding as a material witness, Carl Sandgren, a 32-year-old WPA worker at Como Park in St. Paul, will be the lynch pin in the state's theory as to the motive in the killing. Stassen said the case was the "eternal love triangle" and he identified Sandgren as Mrs. Johnke's love interest but took pains to absolve the boyfriend from any involvement in the actual killing of Louis Johnke.

A jury of nine men and three women was finally impaneled on Wednesday January 12 and Stassen rose from the counsel table to deliver his opening statement. It is a chance for the county attorney to outline the case against Beatrice Johnke by presenting his theory of the case. He outlines what the state believes happened, how it happened and why it happened, and is in effect, making a promise to the jury as to what the evidence will prove once it is presented in court. It can be a delicate part of the case for both the state and the defense but perhaps the prosecutor has

### The twelve jurors:

Joseph Conzemius

Peter Frey

Nicholas Becker

Lief Quinnet

Leo Reuter

Julius Simon

Catherine Furlong

William P. Werner

Ole Olberg

Robert Pryor

Dorothy Bohrer

Edna Ihfe



The trial was held at the old Dakota County Courthouse in Hastings.

more to lose if he does not live up to the contract being entered into with the jury.

By all accounts, including those carried by the *Minneapolis Journal* and the *South St. Paul Daily Reporter*, Stassen presented his opening statement in a methodical fashion maintaining that the state would show Mrs. Johnke tested the poison on two dogs, an assertion that drew a heated objection from Grannis. The young lawyer argued that the county attorney was presenting a fact before the jury that was ultimately inadmissible. Judge Schultz overruled the objection.

Stassen went on to state that the poison was subsequently administered to her husband over a period of time from June until his death August 19 in the West Side General Hospital. Beatrice Johnke, he told the jury, gave the final dose of arsenic, to her husband while he lay in the hospital dangerously ill and almost completely paralyzed. He said that she killed her husband for the love of another man. An \$1,500 insurance policy was also a factor, he said.

Stassen called the story he was about to present to the jury "tragic and sordid" saying that Beatrice Johnke had begun a romance with Sandgren in the Lyceum Theater in downtown St. Paul three years before her husband's death. Louis Johnke, Stassen said, never learned of the affair even though his wife spent considerable time with her lover often accompanied by her daughter and other friends when she went to meet him. Stassen added that somewhere along the line the Johnkes had a falling out and Beatrice moved into a St. Paul hotel. A short time later she moved back in with her husband, and on June 27, administered the first dose of arsenic to him in sandwiches he took to work at the Cudahy plant. She continued to poison Louis Johnke, Stassen said, and Johnke was hospitalized four times at both St. Luke's and West Side, where he was admitted for the last time on August 14. Between this date and his death, Stassen told the jury, Beatrice Johnke administered the fatal dose of poison to her husband.

The opening of the trial proper was suitably dramatic, setting the tone for what was to come. Stassen called his first witness to the stand: Carl Sandgren, Beatrice Johnke's 32-year-old lover. The *Reporter* and the *Minneapolis Journal* both carried extensive accounts of his testimony.

During this stage of the trial Mrs. Johnke is described by onlookers as calm and collected. Photographs show her smiling and relaxed, and at one point during a break in the proceedings, giving her 4-year-old grandson a hug and a kiss while her two daughters look on smiling. She appears to be an attractive, confident woman with carefully combed wavy hair of near shoulder length, parted neatly on the right and swept across her forehead down over her left eye. A photograph of Sandgren shows him slumped slightly in the witness chair appearing substantially less relaxed than his admitted one-time lover.

Sandgren took the stand, and under direct examination by Stassen, told the jury that he first met Beatrice Johnke on December 23, 1936. He said she approached him during a movie at the Lyceum, a theater on Wabasha Street in



*Beatrice Johnke with her 4-year-old grandson.*

downtown St. Paul. Sandgren, described as a "dapper WPA worker," testified that Mrs. Johnke took the seat next to him and told him she was looking for a good time. He also said that she identified herself as Lavon Darlon and that they engaged in "illicit relations" on the very same day. It was a long time, he added, before he discovered she was married.

At one point Stassen asked, "When did you first learn of Louis Johnke's illness?"

"She told me her old man was sick this spring (spring of 1937)," Sandgren replied.

"What did she say was the matter?"

"She said he was going nuts and was trying to kill himself."

"Did you know he was in the hospital?" Stassen asked.

"Not until August," Sandgren replied.

"How did you find out?"

"She came where I worked and said the old man was sick. She said he had taken poison and tried to kill himself."

Under questioning by Stassen the young man went on to describe how he found out Louis Johnke was dead. He said the day after Louis Johnke died, Beatrice Johnke came to Como Park where Sandgren was working and told him.

"She said she was going to buy some flowers and gave me \$5. She wanted me to get them," he said.

"How did she appear?" Stassen asked.

"She seemed happy. Her daughter was very sad. As she drove away, she waved to me." Sandgren then went on to relate, "The Monday after the funeral we met again, had some beer and she went away saying she had some business to attend to. Later, we met again and had some beer. She didn't care to stay at home, she said, until it had been cleaned out. She was going to stay in a hotel. I met her, we had some beer. I went to a St. Paul hotel."

There, Sandgren said, they shared the same room. The next day Beatrice asked him to go with her to Hankinson, North Dakota – where the Johnkes were originally from – to collect a grain check. Sandgren said she even offered to pay him for any time lost. On August 25, 1937, Sandgren testified, they drove to North Dakota spending the night in Fergus Falls on the way. While in North Dakota, he said she introduced him as a "land dealer." Sandgren added, "She told me when we got up to Hankinson she was going

to make a big shot out of me.”

Sandgren, under questioning by Stassen, went on to relate in some detail the nature of his relationship with Beatrice Johnke.

*Q – Did the defendant ever give you any money?*

*A – Yes, on a Saturday she would buy me beer and something to eat and probably give me a dollar.*

*Q – Did she ever buy any clothing for you?*

*A – Yes, after her husband died.*

*Q – What sort of clothing?*

*A – She bought me a suit, some underwear, a jacket.*

*Q – Did she ever pay any bills for you?*

*A – Yes, she paid part of a gas bill.*

*Q – When did you find out she was married?*

*A – In the spring of 1937 she told me.*

*Q – Did she say where she was living?*

*A – Yes, with a friend. A girl friend.*

*Q – Did the defendant ever speak of her husband after you learned she was married?*

*A – Yes, she said he was causing her trouble and that he was no good.*

*Q – What else did she say?*

*A – She said he was chasing out with other women.*

*Q – Did she apply any names other than his right name?*

At this point Sandgren answered that she used profane language to describe her husband.

Toward the end of his testimony Stassen introduced eight letters through Sandgren allegedly from Beatrice Johnke to him bearing the signature “Miss Lavon Darlon.” They were not read in open court at this time.

After Stassen had finished with the witness Lenertz conducted the cross-examination. He developed the defense theory that Sandgren fancied himself a ladies’ man and did not restrict his attentions to Mrs.



Carl Sandgren

Johnke. Lenertz brought out an admission from Sandgren that he not only received money and gifts from Beatrice Johnke but from other women as well, including from Beatrice Johnke’s neighbor. Lenertz asked Sandgren if the WPA worker was in fact wearing the clothes he had received from Mrs. Johnke this very day as he sat on the witness stand testifying against her. Sandgren admitted this was true. Sandgren also denied that he had ever proposed marriage to Beatrice and that he had ever asked his sister-in-law to patch up relations between him and Beatrice.

The tone of Lenertz cross-examination is revealing. The defense lawyer, according to the account carried in the *St. Paul Dispatch* on January 14, took after Sandgren with vigor, sparing nothing to show the WPA worker’s mercenary and promiscuous attitude toward women.

At one point Lenertz asked Sandgren how many girl friends he had and Sandgren replied, “I never counted them.”

*Q (by Lenertz) – Did Mrs. Johnke ever buy gifts for your mother?*

*A – I believe she bought her a present – an apron or something like that.*

*Q – Did Mrs. Johnke buy you that suit of clothes you have on?*

Lenertz pointed to the suit Sandgren was wearing as he sat on the witness stand.

*A – Yes.*

*Q – When you went out did you spend any money?*

*A – I did not.*

*Q – Then, any money that was ever spent, was spent by Mrs. Johnke?*

*A – Yes.*

*Q – Am I correct in assuming you were playing Mrs. Johnke for a fool?*

The question drew a quick objection from Stassen saying it was improper cross-examination. While Judge Schultz sustained the objection, Lenertz made his point.

The young defense lawyer then turned his attention to negating another portion of Sandgren’s testimony.

*Q – Do you recall having a conversation with Frank Miller (Mrs. Johnke’s son-in-law) in December?*

*A – Yes, I do.*

*Q – Do you recall what was said?*

*A – I came out and asked what he wanted. He inquired: “Do you really think Mrs. Johnke poisoned her husband? I said I knew nothing about the case. I did not want to talk to him. I was told not to talk to him.*

*Q – Who told you not to talk to him?*

*A – When I was arrested I was told not to talk to him.*

*Q – Who instructed you not to talk to any one?*

*A – I believe it was the chief of police of South St. Paul.*

*Q – Did anyone threaten you with punishment if you talked to anyone?*

*A – No.*

When Carl Sandgren left the stand Stassen turned the case toward the nuts and bolts of how the murder was carried out. He had proven that Beatrice Johnke was a woman who had carried on an affair with a much younger man outside of her marriage but he was still a long way from proving Beatrice Johnke was a murderer.

Stassen’s next witness was Dakota County Coroner Arthur W. Shepard, who, over objections by Grannis and Lenertz, testified that he had been asked by Stassen to exhume the corpses of two dogs from the Johnke yard the previous October. He said that Beatrice Johnke directed him to a spot in the yard near a corner of the house at 1400 Concord and that the remains of what he believed to be two small dogs were dug up. He said he took samples from the dogs’ organs and placed them in jars for later examination. Under cross-examination he testified that the animals were in an advanced state of decomposition and that he could not even be completely sure they were dogs at all. When



Lawrence Lenertz



asked why he dug up the animals, he said Stassen told him there had been rumors. Dr. Shepard also admitted that he had not secured a search warrant for the exhumation.

Stassen's next witness was Dr. Harold N. Wright of Minneapolis, assistant professor of pharmacology at the University of Minnesota. When the county attorney began to question the witness about conferences he had had with Dakota County authorities, Lenertz objected arguing there had been no identification of the body – ostensibly that of Louis Johnke. Lenertz' objection was technical in nature but it forced the prosecution to back up and establish a foundation for further questions of Dr. Wright. It can be argued that the defense tactics were designed to delay the inevitable. From this point forward, the defense would challenge everything Stassen brought forth, fighting all the while to dilute the case against their client.

Stassen withdrew Wright from the witness stand and began a methodical process of proving that Louis Johnke was not only dead, but that scientific testimony to come was based on tests performed on organ samples taken from the deceased's body.

A nurse working at West Side General was called to the stand and testified that Mrs. Johnke was present when Dr. Kano Ikeda performed the autopsy on Louis Johnke. She said Dr. Ikeda took organ samples from the deceased and placed them in jars.

The next witness was Dr. E. R. Youngren, Ramsey County deputy coroner, who testified that the organ samples were placed in pickle jars and that he took the jars and drove from West Side General directly to his office on Payne Avenue in St. Paul. He later corrected this statement under cross-examination and told of stopping at the Public Safety Building in St. Paul to leave the samples with Dr. Scholberg, but was told he would have to take the samples to Dr. Wright. Dr. Youngren then transported the samples, taken from the stomach, liver and brain of Louis Johnke, to a drug store near his office where they were placed in the refrigerator.

*Stassen: This box had been disturbed in no way?*

*Dr. Youngren: No.*

*Stassen: What was your reason for placing it in the ice-box?*

*Dr. Youngren: The weather was so hot in August that tissues wouldn't last long.*

Lenertz and Grannis used the testimony of Dr. Youngren to object strenuously that leaving them unguarded for two days in a drug store refrigerator had broken the chain of custody for the organs. They sought to block any further testimony as to tests performed by Dr. Wright. Judge Schultz ruled against them. Dr. Wright's testimony was allowed even though Dr. Youngren admitted that having never met Dr. Wright, he was not completely sure he subsequently delivered the organs to Dr. Wright. He also stated that he could not testify as to whether the organs came from the deceased or not. While not being enough to keep the testimony out of evidence, the defense cross-examined thoroughly on each of these points in order to

cast doubt in the minds of the jury as to the validity of any subsequent tests.

The defense also managed to score points by drawing testimony from Dr. Youngren that the stomach lining of Louis Johnke did not appear to have been irritated or damaged and that the rest of the organs also appeared normal. These were important points when weighed against Dr. Wright's later testimony that arsenic ingestion would normally result in irritation and damage to internal organs, especially the stomach lining.

Finally after repeated objections, arguments and rulings,

## Poison To Kill 18 Found In Johnke, Chemist Says

*Pioneer Press headline, January 15, 1938.*

Dr. Wright resumed the stand and testified that he had performed tests on the organ samples received from Dr. Youngren and had extracted enough arsenic compound from the organs to, in his opinion, kill 18 men. The soft-spoken pharmacologist held up for the jury a vial of whitish yellow powder, which he maintained, was the poison that killed Louis Johnke. Additionally Dr. Wright said he performed tests on the samples taken from the animals exhumed in the Johnke yard and that these also contained arsenic.

The vials introduced into evidence were handed to the jury and passed around. One account stated that Mrs. Johnke showed more interest in the proceedings at this point than she had so far.

Dr. Wright testified that he recovered 58.3 grains of arsenic compound from the contents of Louis Johnke's stomach, 4.5 grains from the brain and liver and 11.7 grains from the two exhumed dogs, presumably the Johnke pets. Three grains, he said in response to a question from Stassen, would constitute a lethal dose.

*Q – (by Stassen) What is arsenate of lead.*

*A – It is a substance used commercially as an insecticide.*

*Q – Has it other uses?*

*A – It is sometimes used as a poison for rodents.*

*Q – What are the symptoms of arsenic poisoning?*

*A – It may be referred to several parts of the body. Arsenic is an irritant and produces irritation of the lining of the gastro-intestinal tract. The amount varies considerably in different cases. It depends to some extent on the amount taken. It irritates the nerves. In some cases the irritation of the brain may be enough to cause mental derangement. If death does not take place in several days to a week different symptoms may appear, paralysis may appear. The paralysis affects particularly the extremities, so a person may lose power to move*

*his hands and feet.*

One important point brought out by Lenertz in his cross-examination of Dr. Wright is reflected in this exchange.

*Q – (By Lenertz) If 58 grains of arsenic were in the stomach of an otherwise healthy person, how long would you expect that person to live?*

*A - That would depend on the solubility of the compound.*

*Q - Let us take arsenate of lead – in a fine compound – and an otherwise healthy person of about 40 years of age.*

*A - From one-half to six hours.*

Up until this point there had been no testimony as to how long Louis Johnke lived after the fatal dose was supposedly administered and Lenertz hinted through a hypothetical question that Johnke's stomach had been pumped out nearly 15 hours before he died. Lenertz also repeatedly attempted to drive home the point that given this tremendous amount of arsenic extracted from the organs of Louis Johnke there should have been visible irritation and damage to the stomach lining which Dr. Youngren had testified appeared normal. Dr. Wright said several other factors must be considered but he did allow for the conclusion that there would have been irritation signs present given the amount of poison found.

During his testimony about the poison, Beatrice Johnke's youngest daughter Lois Miller was observed trying to hold herself stoic and in control. She fussed with her handbag and took tissue from it, dabbing repeatedly at her eyes. Mrs. Johnke, sensing what was occurring behind her, reportedly turned and shot a stern look in the direction of her daughter but said nothing.

When Dr. Wright left the stand Judge Schultz adjourned the proceedings for the weekend.

Meanwhile speculation was rampant as to the defense theory of the case. One reporter for the *St. Paul Pioneer Press* wrote that twin theories seemed to be developing. The first being that Louis Johnke was not killed by arsenic as alleged in the indictment. The second was that in any event Beatrice Johnke did not do it and the state's own witnesses were being used to establish reasonable doubt through cross-examination by Lenertz and Grannis.

Lenertz, apparently talking to reporters during the breaks or after the proceedings were recessed, began dropping hints that Mrs. Johnke would take the stand in her own defense. It is one of the largest decisions a defense team must make. For his part Stassen told reporters that he had uncovered two new witnesses who would bolster his case against Beatrice Johnke.

The jury was sequestered in the Gardner Hotel in Hastings. Bailiffs were kept busy searching the newspapers for any mention of the case which was snipped out before the papers were passed on to the jury.

On Monday morning, January 17, Stassen called the Johnke family physician, Dr. J. Willard Edwards, to the stand. For most of the day the doctor related intimate

details of the last two months of Louis Johnke's life.

Dr. Edwards began by telling how Louis Johnke, accompanied by his wife, visited his office at 200 Concord in St. Paul on June 25. Mr. Johnke, he said, complained of severe abdominal pains and headaches and was a very sick man. Louis Johnke told him that he had become ill after eating several sandwiches of potted meat prepared by Beatrice Johnke, who told Dr. Edwards that she had also eaten some of the potted meat and became ill herself. Dr. Edwards said he gave medicine to Louis Johnke to ease the gastro-intestinal and headache symptoms and next saw the man two days later when he was again very sick. This time after some attempts to remedy the symptoms Johnke was admitted to St. Luke's Hospital where, after a couple days, he discharged himself without authorization.

Dr. Edwards said Louis returned home but was readmitted to the hospital only three days later with the same painful symptoms more severe than before. This time he was in the hospital for nearly a week, treated in much the same fashion. Dr. Edwards said Louis Johnke returned in even worse pain a few days later and was hospitalized for a third time. Once again, after treatment, he was released, again much improved, but ultimately was hospitalized for the fourth and final time on August 14 at West Side General Hospital.

Dr. Edwards said Louis Johnke's condition now included symptoms of disorientation and paralysis of his arms and legs. The doctor told a hushed courtroom, "His condition was that of a man so extremely ill that I realized he would not live."

Vance Grannis asked Dr. Edwards the whereabouts of hospital charts related to the Johnke case. The physician stated that they were in the possession of the country attorney's office. The defense had sought unsuccessfully prior to trial to examine the charts. This time, after Stassen confirmed that he was in possession of the charts, Judge Schultz ordered them turned over to the defense. The charts would form an important basis for a withering cross-examination of the doctor by Grannis.

Throughout direct examination by Stassen the lawyers repeatedly clashed, but in the end, Stassen obtained from the doctor an opinion as to the cause of Louis Johnke's death. Dr. Edwards said the man suffered from chronic arsenic poisoning super-imposed by acute arsenic poisoning. In other words he had been slowly poisoned over a prolonged period of time, receiving a coup de grace dose at the end – within 36 hours of his death – while he lay paralyzed in the hospital.

By August 17 and 18, Dr. Edwards testified, Louis Johnke was experiencing difficulty breathing as well as great pain and partial paralysis. A nurse, Florence Peiffer, testified that she brought a tray of food for Mr. Johnke early on the morning of August 19 and that Beatrice Johnke offered to feed her husband. The nurse set the tray down and left the room. Louis Johnke died later that morning.

Under direct examination by Stassen, Dr. Edwards was

taken through a line of questioning whereby the county attorney took great pains to lay before the jury the basis for Dr. Edwards' conclusion that arsenic had killed Johnke. Each step along the way he was met with defense objections, and while the physician's opinions were finally admitted into evidence, they stood in direct contradiction to what he had recorded on the hospital charts. When asked if Dr. Wright's conclusions had influenced him, Dr. Edwards would only admit that they had to a very small degree. Even with out the pathologist's conclusions he – Dr. Edwards – would have formed the same opinion of arsenic poisoning. Dr. Edwards was emphatic that the cause of death was arsenic poisoning, and in his opinion, Johnke was suffering from arsenic poisoning weeks before he died. He then startled trial onlookers by stating, "It is my opinion Louis Johnke received a dose of arsenic poisoning on the seventeenth of August."



*Family Physician  
Dr. J. W. Edwards*

Vance Grannis went after Dr. Edwards' testimony as if the case against his client depended on it. Under intense grilling Dr. Edwards admitted that on Louis Johnke's charts and records the illness was listed as bacterial poisoning – food poisoning. In fact, Dr. Edwards admitted, he signed an insurance certificate listing bacterial poisoning as the cause of death.

The *St. Paul Dispatch* and other news accounts described Dr. Edwards as sitting in the witness chair with his eyes fixed on the ceiling throughout Grannis' withering cross-examination.

*Q (by Grannis) – You had a personal diagnosis of chronic arsenic poisoning but the hospital charts at St. Luke's hospital all showed bacterial food poisoning. Isn't that right?*

*A – That is correct.*

*Q – Did you ever tell Mrs. Johnke or Mrs. Johnke's daughter that he had arsenic poisoning before he died?*

*A – I told them I suspected it.*

*Q – How long before he died did you tell them that?*

*A – Possibly about two or three weeks.*

*Q – Who did you tell?*

*A – I did not make a direct assertion to anyone.*

*Q – I asked you who you told.*

*A – I am answering that I did not tell anyone.*

*Q – But you just testified that you did tell a member of Mr. Johnke's family that he had arsenic poisoning.*

*A – I don't recall.*

*Q – Isn't it a fact that you told Mrs. Johnke and her two daughters that Mr. Johnke had streptococcus poisoning before his death?*

*A – I don't recall.*

*Q – What did you tell Mrs. Johnke or her daughters?*

*A – I don't recall telling them anything.*

*Q – Did they ask on numerous occasions what was the*

*trouble?*

*A – Yes. I told Mrs. Johnke that on several occasions – the early part of this case – that I thought it was streptococcus poisoning.*

After further questioning Grannis zeroed in on the timing of the doctor's opinions as to the cause of death.

*Q – When did you become convinced in your own mind that he died from arsenic poisoning?*

*A – The moment I heard of his death.*

*Q – They why did you not sign a death certificate?*

*A – I did not sign any death certificate.*

*Q – Well if you were convinced in your own mind, then why didn't you sign a death certificate?*

*A – It was not my privilege to sign one.*

*Q – Did you write your name on any kind of certificate?*

*A – I don't recall.*

*Q – But it is your testimony now that you never signed your name on a death certificate?*

*A – I did not sign my name to any death certificate as used by the state of Minnesota.*

*Q – Did you sign your name to any death certificate not used by the state of Minnesota?*

*A – Possibly I did.*

*Q – Where would that be?*

*A – I believe I signed a statement for his insurance.*

*Q – What did you state in his insurance as to the cause of death?*

*A – I believe I stated it was bacterial poisoning.*

*Q – Even though you were convinced at the moment he died that he died from arsenic poisoning?*

*A – Possibly I was not convinced at the moment.*

Grannis also pressed the doctor on how Beatrice Johnke comported herself during her husband's illness. Dr. Edwards agreed with the characterization that she seemed concerned about her husband and cooperative in his treatment.

"I take it that Mrs. Johnke did what she could to get her husband well?" Grannis asked.

"It certainly seemed so," Dr. Edwards replied.

"Did she make any statement that she wanted him to get well?"

"I would say that is true," the doctor answered.

By the time Dr. Edwards left the stand the two pictures as to the doctor's pronouncements on the nature of Louis Johnke's illness and the cause of his death were clear. They were also irreconcilable. The jury would have to make the ultimate decision as to the physician's credibility.

Immediately after Dr. Edward's testimony the defense attempted for the first time to enter into evidence the report of Dr. Ikeda, who had performed the post-mortem on Louis Johnke. The report stated the cause of death as hemorrhagic pneumonia with possible secondary uremia. There was no indication of arsenic poisoning in the report. Judge Schultz barred the report from evidence for the time being, ruling that adequate foundation for the report had not been established. The defense stated that they would be offering it again during the presentation of their case in chief.

Meanwhile during breaks in the testimony, Stassen again let it be known to reporters that he had found two new witnesses, who he said, would have an impact on the trial. He would not reveal the names of the witnesses but indicated they would testify as to the "poisoning angle" and to the immorality question.

Following Dr. Edward's testimony Stassen called to the stand two nurses, a housemaid and hotel proprietor. The hotel proprietor testified that Mrs. Johnke had checked into the hotel for several days after a quarrel with her husband. The housemaid who worked for one of Mrs. Johnke's daughters had accompanied the daughter to the West Side hospital during Louis Johnke's final illness. Afterwards they went to a tavern on Front Street in St. Paul where they met Beatrice Johnke and Carl Sandgren who left with Mrs. Johnke later in the evening.

Myrtle Drost of St. Paul, described as an old friend of the Johnkes and fellow employee at Peter's Meats in St. Paul, testified that Beatrice Johnke told her that Louis became ill for the first time after eating sandwiches Beatrice had prepared for him. She also said under direct examination by Stassen that she had met Carl Sandgren at taverns where she had accompanied Beatrice Johnke.

During Myrtle Drost's testimony all of the reporters covering the trial noted that for the first time Beatrice Johnke broke down and cried. Tears welled in her eyes and streamed down her cheeks as the woman described Mrs. Johnke's affection for the dogs, which had been buried in her yard and exhumed for the trial. One of the dogs was old, feeble and blind, according to Mrs. Drost, and Beatrice used to feed the animal with a knife.

A co-worker of Louis Johnke testified that Beatrice Johnke told him a doctor had said that something in the potted meat had poisoned her husband. However under cross-examination he stated that he had consumed one of Louis Johnke's sandwiches and had not become ill.

Dorothy Anderson, another friend and co-worker of Beatrice Johnke, testified that they often talked at work about Louis Johnke's condition. Mrs. Johnke, Anderson said, appeared concerned over her husband's condition and once told her that she had also become ill after eating some of the potted meat about the same time as her husband was stricken. Stassen brought out from Mrs. Anderson that Beatrice had told her of the death of one of the dogs and that Mrs. Johnke thought it had been poisoned.

Stassen called a stream of lesser witnesses apparently trying to tie up loose ends in the case. They included relatives of both Beatrice and Louis Johnke and additional co-workers of both. Mostly the testimony dealt with Beatrice Johnke's frequenting of taverns with Carl Sandgren during her husband's illness. The funeral director was called and testified that funeral expenses totaled \$705 and that Mrs. Johnke paid him with a life insurance check for \$1,500.

But two of the final witnesses Stassen called were offered to plug a potentially troubling gap in the state's case. Vernon Johnson and Lucille Lange, employees at the Borgstrom Pharmacy at Payne and Arcade in St. Paul, tes-

tified that Dr. Youngren placed the carton containing Louis Johnke's internal organs in the store refrigerator after the post-mortem. The container, they each said, was kept safe and was not tampered with before being removed and taken for further examination by Dr. Wright. Stassen was trying to blunt any defense assertion that careless handling of crucial evidence flawed the results of any subsequent examination.

Stassen put a handwriting expert on the stand who testified that several letters in the state's possession had been written by the defendant Beatrice Johnke. Stassen then offered into evidence the eight "love letters" addressed to Carl Sandgren and penned by Mrs. Johnke drawing what one reporter described as a violent objection from defense lawyers Grannis and Lenertz. But after heated argument, they were admitted and Stassen began reading them out loud to the jury amidst titters and soft laughter among the courtroom spectators. He had not completed the task when trial was recessed in the afternoon. The next morning, January 20, Stassen read the last two letters and said, "At this time, your honor, the state rests."

Vance Grannis was on his feet immediately. "At this time, your honor, the defendant wishes to inquire of the prosecution as to whether it intends to produce Dr. Ikeda."

Stassen curtly replied, "I have answered your question - the state rests."

Grannis then made a motion to compel the state to call the pathologist who performed the autopsy on Louis Johnke. After argument

at the bench the court denied the motion and the defense indicated it would subpoena the doctor as part of its case in chief. Routine defense motions to dismiss the case against Mrs. Johnke based on a series of technical points were then argued; Judge Schultz denied them all.

Stassen had presented 24 witnesses in his case against Beatrice Johnke and now attention turned to the pair of young defense lawyers for the other side of the story.

Darling Bud: Well, here goes a note. You told me to be sure and write to you if I loved you and I sure do. I had changed my mind about going home in North Dakota so will be in town. How about a date on Saturday afternoon up town, and be sure and get a boy friend of yours for my girl friend, as I do not want her to sit in the corner alone.  
Call me up at Peter's at noon between 12 and 12:30 o'clock. Will be glad to go in the old Ford, too, so long as you are along in it.  
Say, don't forget I want one of those pictures of you as you look so nice in it by the light of the flashlight. Send my mail to the River-view Station. Address Lavon Darlon.  
Gee, I am not much on writing letters, but, oh, baby, when we get alone we will make up for it. Call me up now. Don't forget and tell me where we can meet and don't forget a boy friend for my pal as she put the stamps on this letter to you and she is a swell kidd, too.  
Love, Lavon Darlon.

*Text of one of Beatrice Johnke's "love letters".*

## The Defense

On the afternoon of January 20 Lenertz rose from the

counsel table and gave the opening statement in the first murder case of his career. The *South St. Paul Daily Reporter* said it lasted about five minutes and was direct, calmly delivered and to the point. He said the defense would show that Beatrice Johnke was a kind and loving wife throughout all of the years of her marriage to Louis Johnke and remained so right up to the end of his life. Lenertz further stated that the defense would show that Mrs. Johnke loved the two household dogs so much it would be impossible for her to have poisoned them as the state argued.

He then called the first defense witness, Fay Springer, a local packinghouse worker who lived on Stewart Avenue and who testified that he had known the Johnkes for 38 years and considered them to be a congenial couple. He also testified that he had visited Louis in the West Side Hospital the day before Louis died and witnessed a nurse bring in a tray of food and leave. He testified that the dying man did not eat anything at that time. Louis Johnke, Springer added, had also been a heavy drinker of moonshine when they still lived in North Dakota.

Seated in the courtroom was Dr. Ikeda. The *Daily News* reported that the doctor was not happy about being subpoenaed and had complained to Stassen about it.

"I'm in a hell of a spot. I thought I was going to testify for you: now I've got to testify for the defense," Ikeda said.

Court was recessed Thursday without Dr. Ikeda being called to the stand.

On Friday January 21 the defense introduced into evidence Louis Johnke's hospital charts from both St. Luke's and West Side General hospitals. The charts with the notations of bacterial poisoning strengthened the defense contention that Louis Johnke did not die of arsenic poisoning. The defense team called two of Louis Johnke's co-workers who testified that he had been taken ill at the Cudahy plant.

Lenertz and Grannis called witnesses to establish that Beatrice had tried to settle debts and even asked for a job at Cudahy to help pay off a debt to the credit union there. She was told they were not hiring at the time.

A man named Ed Kramer, who gave his address as 150 Concord St., St. Paul, took the stand and testified that he had struck and killed one of the Johnke dogs with his car. The testimony weakened Stassen's contention that the dogs were poisoned in a test run of the arsenic compound.

The main fight of the day centered around the defense attempt to introduce into evidence the death certificate issued by Dakota County Coroner Dr. Arthur Shepard which listed Louis Johnke's death as being due to pneumonia. Judge Schultz ruled it inadmissible after Stassen argued that the certificate itself was not the best evidence available. The defense then called Dr. Shepard to the stand who testified that he had issued the certificate in September 1937. Once more Stassen objected on the grounds that the certificate was not the "best evidence".

The argument was held in chambers while court was in recess. The thrust of the state's argument was that Dr. Wright had already testified that he had extracted a large quantity of arsenic from the dead man's organs and that he

had done so several weeks after the death certificate had been issued, in effect, trumping the coroner's conclusion. The argument by the state was that Dr. Wright's tests were not completed until about October 1, well after the death certificate was issued. Therefore Dr. Wright's testimony and findings as to cause of death were more complete and based on information not available to Dr. Ikeda at the time of the autopsy. When court reconvened, Judge Schultz announced that he agreed with the state's position in the matter and the certificate was not admitted into evidence dealing a blow to the defense case.

Most court observers expected the defense to call Dr. Ikeda to the stand but the pathologist was not in court Friday even though he was still under subpoena. Word spread, according to newspaper accounts, that he was ill.

The first full day of the defense case also saw Lenertz calling to the stand the Johnke's oldest daughter, LaVoy Milbrandt. She told of visiting her father in the hospital and that on occasions two pastors and other acquaintances were there also, implying there was little, if any opportunity for her mother to slip poison into her father's food.

She described how she went to West Side General the morning of August 19 and discovered her father having difficulty breathing. Louis Johnke died a short time later. She wept during her testimony and her mother wept as well.

"That morning dad was breathing in short breaths," she said as reported by the *St. Paul Pioneer Press*. "He did not know me. He asked for mother. I told him mother was at my house and that I would go back and get her.

She also told the jury that her mother and father got along very well and that she could only recall one quarrel between them, which resulted in her mother moving to a hotel for a few days in May 1937. Her parents, she said, patched things up a short time later and got along quite well from then on. With tears in her eyes she described how her father suffered while in the hospital. She said his eyes watered and his face was swollen, and that at one point, he had to be propped up so a fan could more directly cool him off in the summer heat. She added that while visiting her father in the hospital she saw another patient who appeared to be suffering from the same illness.

She also testified that her father planned his own funeral arrangements leaving instructions for where he wanted to be buried, who should be pallbearers, the type of casket and vault and new clothes he wished to be buried in.

Beatrice Johnke's demeanor during the second week of trial, which was drawing to a close, was described by reporters as markedly different from the stoic calmness of the first week. She was now seen to be wan and tired and more emotional, particularly in the face of the testimony being related by her daughter.

Meanwhile, over the weekend, reporters Willis Kimball of the *Minneapolis Journal* and William Chance of the *St. Paul Daily News* filed stories alleging that the three women jurors had skipped out of sequestration at the Gardner Hotel in Hastings possibly necessitating a mistri-

al. An investigation was ordered, and on Monday January 24 at the request of counsel on both sides, Judge Schultz found both reporters in contempt. Stassen and Lenertz informed the court that they had investigated the claims made by the reporters and found the allegations to be totally without basis in fact. Judge Schultz commended the other reporters covering the case, but as to Kimball and Chance, he gave them the choice of a fine or jail time. They paid up.

As the trial entered its third week the defense re-called Frank Miller, husband of the Johnkes' youngest daughter, to the stand. On direct information Miller testified that Louis Johnke complained of stomach pains for at least the previous two years before his death. Lenertz, conducting the direct examination, brought out that Miller's wife Lois, handled a can of orange juice when several of the family drank from it before Louis went to the hospital for the last time. He also testified that during a quarrel in a St. Paul bar, Louis Johnke, drunk and in a rage, threatened to kill his wife. It apparently was during this time Beatrice Johnke moved into a St. Paul hotel.

Stassen aggressively cross-examined the young man zeroing in on the details of the episode with the canned orange juice in the Johnke home. The *Minneapolis Star* reported the following exchange:

*Q (by Stassen) – Didn't your wife drink some orange juice left from a glass Johnke had been drinking?*

*A – My wife told me they went down to the store to get some groceries. She likes orange juice and they got a can of it. When they got home, Mrs. Johnke started preparing supper. My wife opened the can of orange juice, got three glasses and poured it three ways. Mr. Johnke did not drink very much and my wife drank half the can.*

*Q – Johnke complained that his orange juice didn't taste right?*

*A – Yes.*

*Q – And your wife got very sick and vomited?*

*A – Yes.*

Under further cross-examination Miller admitted that he had had a conversation with John Scherbel who lived downstairs from Miller and his wife. Miller told him his wife had become ill after sampling orange juice after her father complained of its taste. The incident took place just prior to Louis Johnke's fourth and last trip to the hospital. Clearly the state was trying to establish that the defendant poisoned her husband with the orange juice. Later, according to the *St. Paul Dispatch*, Stassen made known that he intended to call Scherbel to the stand as one of his "mystery" witnesses.

Further cross-examination centered around the day Louis Johnke first became ill. Lois Miller had apparently spent some time at her parents' house then decided to move back to the Miller's Winslow Street house. At the time Miller was working a shift from 6:20 p.m. to 2 a.m.

*Q – When was that decision made?*

*A – It was on June 24, 1937.*

*Q – That was the day Johnke became ill? Weren't you and your wife at the Johnke home, and didn't you talk between you about his sudden illness?*

*A – Yes.*

*Q – And you decided your wife had better come home?*

*A – I don't know about any decision.*

*Q – Can you remember the day that Johnke came home from work early and said that he was ill?*

*A – I believe I was there that afternoon.*

*Q – Was Johnke throwing up?*

*A – I think he said he threw up on the way home.*

*Q – What was his appearance?*

*A – Well, he was pale . . .*

*Q – Were his eyes watery?*

*A – I don't remember his eyes.*

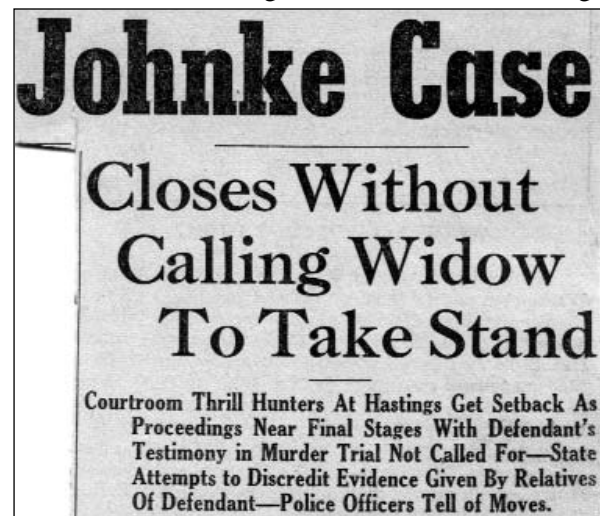
*Q – Was his face puffed up?*

*A – I don't recall.*

While the defense team objected to any further questioning about their client's relationship with Sandgren, Miller was allowed to testify that as far as he knew, Louis Johnke never learned of his wife's affair.

The defense then recalled the older Johnke daughter, LaVoy Milbrandt, who, under questioning by Lenertz testified that the day before he died her father told her that the nurses had pumped his stomach.

The defense then brought its case to a close resting mat-



South St. Paul Daily Reporter, January 25, 1938.

without calling the defendant Beatrice Johnke to the stand. After all of the speculation, much of it by the defense team itself, fueling ever-increasing anticipation the move surprised and disappointed participants and onlookers. If trial watchers expected to learn more about Beatrice Johnke it would not be from her own lips in her trial for murder. When he was asked why, Vance Grannis answered simply, "We know she is innocent. We don't believe there is any reason why she should testify."

Stassen told the court that he was prepared to call rebuttal witnesses. He called Scherbel to the stand who confirmed his conversations with Frank Miller and that Miller

had talked of his wife becoming ill after consuming orange juice meant for Louis Johnke.

But it was in the questioning of Dr. E. K. Endress that the lawyers locked horns once again. Both Miller and LaVoy Milbrandt had testified to the seemingly minor detail that Beatrice had taken Louis Johnke to Dr. Endress shortly after he became ill for the first time in June. Both witnesses said they thought Dr. Endress had advised that an operation was necessary and that Louis Johnke had been made sick by the potted meat he had eaten in his sandwiches.

Stassen was examining the physician when the doctor asked the judge about whether he was covered by patient-doctor privilege. After a conference at the bench Stassen withdrew the doctor and called Gertrude Poppe, the physician's secretary to the stand. In response to questions by Stassen she began to testify as to whether Dr. Endress had informed Mrs. Johnke and her daughter that Louis' illness was "toxic" when a flurry of defense objections claiming "improper rebuttal testimony" brought things to a head. Judge Schultz sustained the objections at which point Stassen leaped to his feet.

"Your honor, at this time the state requests permission of the court to re-open its case in chief solely for the purpose of showing the entire incident in Dr. Endress' office and in furtherance of that request states to the court the state did not know of that incident until Mrs. Milbrandt's testimony in the defense," he argued. "The state thereupon investigated and conferred with Dr. Endress last Saturday afternoon, January 22 and ascertained the nature of the incident. The state feels in furtherance of justice the state would like to re-open its case to show this incident."

Grannis and Lenertz both objected loudly. "If the state did not know it," Grannis argued, "they should have known it. They've had this defendant in custody since October 5."

Judge Schultz considered the arguments, then said, "The state may re-open for the purpose as stated only."

Mrs. Poppe was then asked by Stassen to tell the jury what happened in Dr. Endress' office. She said, "Mrs. Johnke came into the reception room and said her husband was ill, she said she'd like to have the doctor see him. I went out and saw Mr. Johnke sitting in the hall. I took him into the back room and called Dr. Endress. The doctor said that he was toxic."

"The doctor asked Johnke how he felt. He did not reply but Mrs. Johnke told us he had been vomiting green and was very nauseated and that she believed it to be from potted meat. He said he believed it was a kidney. Dr. Endress said he did not believe it was from potted meat. He was going to take him in his car to the hospital but they said they wished to decide first what they wanted to do before going to the hospital. They never returned."

Under further questioning she went on to say, "Mrs. Johnke asked the doctor what was meant. That is when he told her it was a very peculiar case and that it looked like the trouble was in the liver or kidneys and that he needed

constant watching at the hospital."

She also stated that the doctor told Mrs. Johnke her husband should go to the hospital right away and that by "toxic" he meant Johnke's condition was the result of poison. The doctor also said that he did not know exactly what the problem was and would have to watch Mr. Johnke carefully at the hospital to determine the underlying cause. Dr. Endress, the woman said, did not suggest that an operation was necessary.

Both LaVoy Milbrandt and Frank Miller had previously testified that after leaving Dr. Endress' office, Louis Johnke was taken to see Dr. Edwards.

Stassen then called Dr. Herman A. Fasbender to the stand who testified that he had examined the hospital charts in the Johnke case, and in his opinion, the symptoms described as being due to bacterial food poisoning, were consistent with arsenic poisoning. He added that it was also his opinion that Louis Johnke died of arsenic poisoning.

Dr. Thomas Lowe of South St. Paul also briefly reviewed the hospital charts and testified to essentially the same opinion as Dr. Fasbender. A third state witness Dr. Harold R. Tregilgas of South St. Paul did not appear in court. Following Dr. Lowe's testimony Stassen stood and announced that the state now rested its case.

After two and a half weeks and more than 40 witnesses the case was about to go to the jury.

### Final Arguments

County Attorney Harold Stassen rose from the counsel table and began his final argument.

"Thou shalt not kill," he said.

With this remark Stassen began pulling together the state's case against the 41 year-old grandmother, laying it before the jury in a coherent and effective fashion. He branded the woman a "brazen, cold-blooded killer" in the death of her husband Louis, frequently pointing a finger in her direction as she stared back at him. Stassen centered his argument on Carl Sandgren, calling him her "reason for putting her husband out of the way." He said that while she posed as the loving and caring wife she took on the role of "Judas Iscariot and the kiss of betrayal."

Stassen outlined in detail the meetings between the two while Louis Johnke lay ill in the hospital. "On numerous occasions," he said, "Beatrice Johnke left the hospital where her husband lay ill of poison and went out to a beer tavern to meet Carl Sandgren. Was she really a loving wife or was she putting on a false front?"

"She carried out her diabolical poisoning while she carried on this affair with Carl Sandgren. Right after he died and before Louis Johnke was in the ground, she drove out to Como Park and there, smiling and laughing talked about seeing him."

Stassen also detailed for the jury how Louis Johnke was taken ill at the Cudahy plant "shortly after she gave him sandwiches she prepared."

"That was the beginning of the downfall that led to his death," Stassen said. "She took her husband to Dr. Endress

and he looked at him and said words to this effect: 'he is terribly toxic and it means infection of poison. I cannot tell what it is. You have to get him to a hospital right away where I can watch him.' To Beatrice Johnke that meant danger. That meant her clever plan of doing away with her husband might be discovered by her own doctor.

"She doesn't want him to go to a hospital. She plants the idea of an operation. She lies to her daughter and son-in-law about an operation. She is driving her husband away from her doctor because she is frightened. He might lay the finger right on what is happening.

"Those actions show clearly that this defendant was guilty right there of starting the poisoning of her husband."

Stassen outlined the trips to hospitals. He told of how Dr. Edwards treated him each time and that Louis Johnke improved and was able to return home after the first three hospitalizations only to be sent right back with the same symptoms.

He turned the jury's attention to the testimony of Frank Miller, the Johnke son-in-law, and of how his wife, the youngest daughter Lois, had become ill after drinking orange juice, Stassen argued, that was prepared by Beatrice and intended for Louis. Right after this incident, Stassen pointed out, Louis Johnke entered the hospital for the last time.

"That was the final night before Louis Johnke had to be back to the hospital for the final time to die." Stassen said. "That evidence fairly screams that Beatrice Johnke put arsenic in his glass and he drank some of it and it was so loaded with arsenic that it tasted wrong."

Stassen related the events at the West Side hospital and of how the nurse brought in a tray of food for Louis Johnke and how Beatrice, according to testimony, said, "I'll feed him."

"She was alone with him and that was her first opportunity to feed him a real dose of poison in the hospital," the county attorney said. Then he picked up the tubes of arsenic and ended his final argument with, "If you find that Mr. Johnke died of arsenic poisoning you will have to find Mrs. Johnke guilty of administering that poison."

### **Defense Argument**

Vance Grannis calmly began his closing argument. "We have now come to the end of a trial that has lasted more than two weeks. It has been a duty and a privilege to defend this woman in spite of the fact that the state has attempted to blacken her character. The state has rested its case entirely on circumstantial evidence, has set up a misleading set of circumstances. It was necessary that the state prove three things, first, that he died of a criminal act, poison; second, that he died at the hand of this defendant, and third, that this defendant had the intent."

Grannis went on to criticize the state for hammering away at the illicit romance between Beatrice Johnke and Carl Sandgren. He argued that it was simply an attempt by the state to prejudice the jury against the defendant.

"The state has not offered one fact or circumstance to

prove that she ever wanted to leave her husband. They have paraded the story of the gigolo, Sandgren, and started with him and ended up with his letters. Why? They have done this to prejudice your minds against this defendant.

"Is this supposed to be a love affair? If it shows anything, it shows nothing but a common ordinary illicit relationship. There is not one word of testimony from this man that there was any love affair between the two. The testimony conclusively shows it was nothing but an illicit relationship.

"Who was it that offered the evidence that Sandgren never intended nor proposed marriage to the defendant? It was the defense. When that evidence was given, the state's motive went out the window. That proves conclusively there was no reason for her to get rid of her husband," he argued.

Grannis also spent time on the physical evidence. "Arsenic is an irritant poison. You would expect to find the organs and stomach lining of a man dying from that cause to be irritated, but they were testified to as appearing normal. There is every reason to believe he did not suffer from arsenic poisoning as he was under the constant care of doctors and nurses. There is evidence to show that his stomach was pumped out and no evidence was shown there was poison found. If there was poison how can the state say where the poison came from. The state has proven no poison. We deny there was any poison in his system. There was no evidence that this defendant had any poison, that she bought it or used it. How many other persons had opportunity to put poison in his food?"

Grannis also noted that Johnke's stomach was pumped out while in the West Side hospital, and during the last 36 hours of the man's life, no member of his family was alone with him. These facts, he argued, were inconsistent with Dr. Edwards' testimony for the state that Johnke received a dose of poison within 24 hours of his death.

"There is only one thing for the jury to do," Grannis concluded. And that is to send this woman back to her daughters and little grandchild."

Judge Schultz instructed the jury at the conclusion of arguments that they really had only one of two choices to make. They could return a verdict of guilty of murder in the first degree or that of not guilty. There was no room for a compromise verdict.

The *South St. Paul Daily Reporter* noted that the case was placed in the hands of the jury at 4:17 p.m. Wednesday, January 26, 1938.

### **Jury Deliberates**

It's a story in itself and it is difficult to say whether anything quite like it ever happened in this state before – or since. After receiving the case the jury of nine men and three women retired to the jury deliberation room. Apparently there were courtroom onlookers who expected a quick verdict. It is impossible to say for sure, but somewhere along the line even these kibitzers had to sense that these deliberations were going to prove to be anything but



quick.

No provisions were made for the jury to spend the night, if necessary, in the hotel where they had been sequestered throughout the trial. Instead, as deliberations wore on into the evening and then into the dead of night, the jury was led into the courtroom where they could at least stretch out on the benches for some rest. The next morning they sent word to the judge that they wished to hear once more the court's instructions regarding circumstantial evidence. They were led into the courtroom about 9 a.m. and the instruction was read for them once again:

"The state has relied on circumstantial evidence to warrant a conviction. Any fact may be established by circumstances as well as by direct evidence. Circumstantial evidence is not as a matter of law inferior to direct evidence."

Judge Schultz also took the opportunity to urge the jury toward a determination.

"You have now been out about 17 hours," he said. "And have not been able to agree. I have no means of knowing how you stand, and I do not care to know. Nevertheless the jury room is no place for pride of opinion or for espousing and maintaining in the spirit of controversy either side of a cause. The single object is to arrive at a true verdict and this can be done only by deliberation, mutual concession and a due deference to the opinions of others."

"The case at some time must be decided. There is no reason to suppose that it will ever be submitted to a more competent and impartial jury than yourselves. There is no reason to suppose that there will be more evidence or that the evidence will be clearer. You should make all reasonable efforts to reach a decision."

The jury was then led back into the deliberation room. Trial watchers were quick to conclude that the jury was hung up on this point. Nothing further was heard from the jury for the rest of the day. By 4 p.m. they were still deadlocked, and afternoon editions were forced to press without a verdict once again. One headline read:

**EXTRA! Johnke Jurors Still Out  
At 4:00 P.M. Today.**

The *Pioneer Press* read:

**Johnke Jury Retires Again Without Verdict;  
Wide Difference Indicated.**

This time Judge Schultz ordered cots and a curtain partitioned hotel room in Hastings and the jury was put up for the night outside the confines of the courthouse.

By Friday night, January 28, the jury had been out for nearly 48 hours, and despite the clarification on circumstantial evidence and Judge Schultz' dynamite charge, they seemed no closer to a verdict than they had been Wednesday. Once more the jury was led to the hotel for the night. Mrs. Johnke, it was reported, was spending the nights in the county jail relatively relaxed and calm.

In a bizarre twist the *Reporter* carried an item Friday evening that there had been numerous reports of dogs being poisoned in the South St. Paul north end neighborhood where the Johnkes lived at 1400 North Concord. People whose dogs were poisoned said that at least three



Jurors are carefully insulated from contact with public, newspapers, relatives or counsel when they walk from the courthouse to the hotel where they get their meals and spend the night. Should a juror talk with any outsider a mistrial might be called and the whole trial have to be gone through again.

Minneapolis Star, January 29, 1938

dogs were believed to have been poisoned with strychnine left in meat by unknown persons. Police were investigating.

The deliberations ground on into the weekend and Judge Schultz said he had no intentions of discharging the jury thereby causing an automatic mistrial. Meanwhile Beatrice Johnke was reported to be spending her waiting hours playing bridge with the matrons in the jail.

On Saturday Judge Schultz called in the lawyers and apparently discussed the possibility of invoking a little known statute which allowed the court to place the jury on a water only diet in order to force a verdict. It was reported in the *Daily News* that the law had been invoked once before in Dakota County in the trial of a Minneapolis man on a charge of keeping a house of ill fame. The prosecutor in the change of venue case was Floyd B. Olson.

The *Minneapolis Star* reported that two records had fallen in the Johnke case. The first was the length of time the jury had been out – they had been deliberating nearly 71 hours by Saturday afternoon – and that this was the first case where a Dakota County jury was given provisions for sleep outside of the courthouse. Then it was over.

**The Verdict**

Just before 3 p.m. on Saturday, January 29, 1938 the jury sent word to the clerk of court that a verdict had been reached. It would take about two hours to gather the attorneys. Beatrice Johnke, of course, was housed almost directly below the courtroom in the county jail. Dakota County Sheriff Joseph Heinen's wife who had been serving as her matron reportedly told her, "Get ready to go up to the courtroom."

The courtroom filled up long before the attorneys or the judge arrived, and people spilled out into the rotunda and balcony encircling the second floor. Finally Clerk of Court Thomas Ryan emerged from the courtroom and told reporters and photographers, "Better get to your places boys."

A main player was not present this day. Harold Stassen, the Dakota County attorney who had put together and prosecuted with vigor the case against Beatrice Johnke, sent an associate, Fallon Kelly to take the verdict in his place.

## Free--Mrs. Johnke Smiles



Smiling the same confident smile she showed during her trial, Mrs. Beatrice L. Johnke (center) stepped out of the Dakota county jail last night after a jury acquitted her of the poison murder of her husband. Sheriff Joseph J. Heinen, and Mrs. Heinen shown with Mrs. Johnke, have had charge of the prisoner nearly four months.

# Beatrice Johnke Is Acquitted of Slaying Husband

Weary Jury Brings in Verdict After 70-Hour Deliberation  
Case Sets Record for County — Sandgren Also Is Released

By WILLIS M. KIMBALL  
Journal Staff Writer  
Hastings, Minn., Jan. 29.—  
Beatrice L. Johnke, 41-year-old grandmother of South St. Paul was acquitted last night of murdering her husband.

Minneapolis Journal,  
January 30, 1938.

Judge Schultz swept into the courtroom from his chambers. The jury foreman handed the verdict to Clerk Ryan who read it out loud. After more than 60 ballots and votes that ranged from 10-2 for conviction to a 6-6 tie the exhausted jury had voted unanimously. Only two words imbedded within the formal extraneous legal language of the verdict form are remembered: Not guilty.

### The Beginning

So what happens after the verdict is delivered in a trial as notorious as that of State of Minnesota vs. Beatrice Johnke? People go their separate ways and the courtroom becomes silent and still like an old battlefield.

A column by H. O. Peterson and published in the *Stillwater News* February 18 vilified the losing prosecutor.

*Harold Stassen of South St. Paul was trotted out as a stalking horse to appeal to the younger element in the state. He was touted to the skies for character and ability. The Jahnke (sic) murder case afforded the opportunity for the Pioneer Press and Dispatch to feature him, and they proceeded to make the Jahnke trial a fitting setting for the coming great man of the state. But the court had to appoint counsel for Mrs. Jahnke, who pleaded inability to pay for legal defense. So the trial judge appointed a couple of young, unknown attorneys to take the defense against the great Stassen, "brilliant attorney" and gubernatorial aspirant.*

*We all know the rest. These young legal punks from Packingtown made a monkey out of Stassen and a respectable woman out of Mrs. Jahnke, with the result that the much touted Stassen seems pretty much of a flop while the young unknowns have made a place for themselves in legal circles.*

A. I. Harris in a column published February 19 in the *Minnesota Leader* observed, "The road to the governorship via a murder trial is often strewn with cinders. . . ."

Be that as it may, Harold Stassen secured the GOP

gubernatorial nomination, and the following November, was elected the youngest governor in the country. He went on to be one of the few, if not the only person present at both the signing of the United Nations Charter in San Francisco as well as the surrender of the Japanese in Tokyo Bay in 1945. He ran for president numerous times.

Harold LeVander, the assistant county attorney who second chaired Stassen in the Johnke case, had a long legal and public service career and was elected governor of Minnesota in 1966.

Lawrence L. Lenertz practiced law and was elected to the state house of representatives in November 1938, serving for two terms. He worked as an FBI agent for five years and served as a district court judge officially retiring in 1981. He continued to serve as a sitting retired judge for several more years.

His partner in the Johnke case, Vance Grannis served as an assistant County Attorney under his brother David Grannis, who was elected Dakota County Attorney the November following the Johnke verdict. Vance had a long legal career representing several high profile clients. He retired from the practice of law in 1995 at 86 years of age.

Judge Schultz retired from the bench in 1960.

The one question remaining is did she do it? Did Beatrice Johnke kill her husband and get away with murder? Moments after her acquittal Beatrice Johnke made her one post-trial comment that was carried in the *Daily News* and the rest of the papers covering the case. "Of course I'm happy. I feel just the same as I did. I never had anything to worry about. I was innocent." Many years later upon the death of Vance Grannis, the *Sun Current* on May 12, 1999 in his obituary quoted the lawyer as comparing the case to the O.J. Simpson case, "Except there was no television coverage. And she really was innocent."

It was thought by some that Beatrice Johnke moved away after the verdict. It would have surprised very few if that indeed had been the case. However, South St. Paul city directories indicate she went back to the tiny house on the hill at 1400 North Concord and lived there until at least 1968 and remained in the area the rest of her life. She married William Smith who was listed as a buffer at National Plating and a cook. He died in 1962 at the age of 47. Beatrice Johnke died August 25, 1985, at age 89. And perhaps more telling than anything revealed during her trial she is buried in Riverview Cemetery — between her husbands Louis and William.

*The End.*