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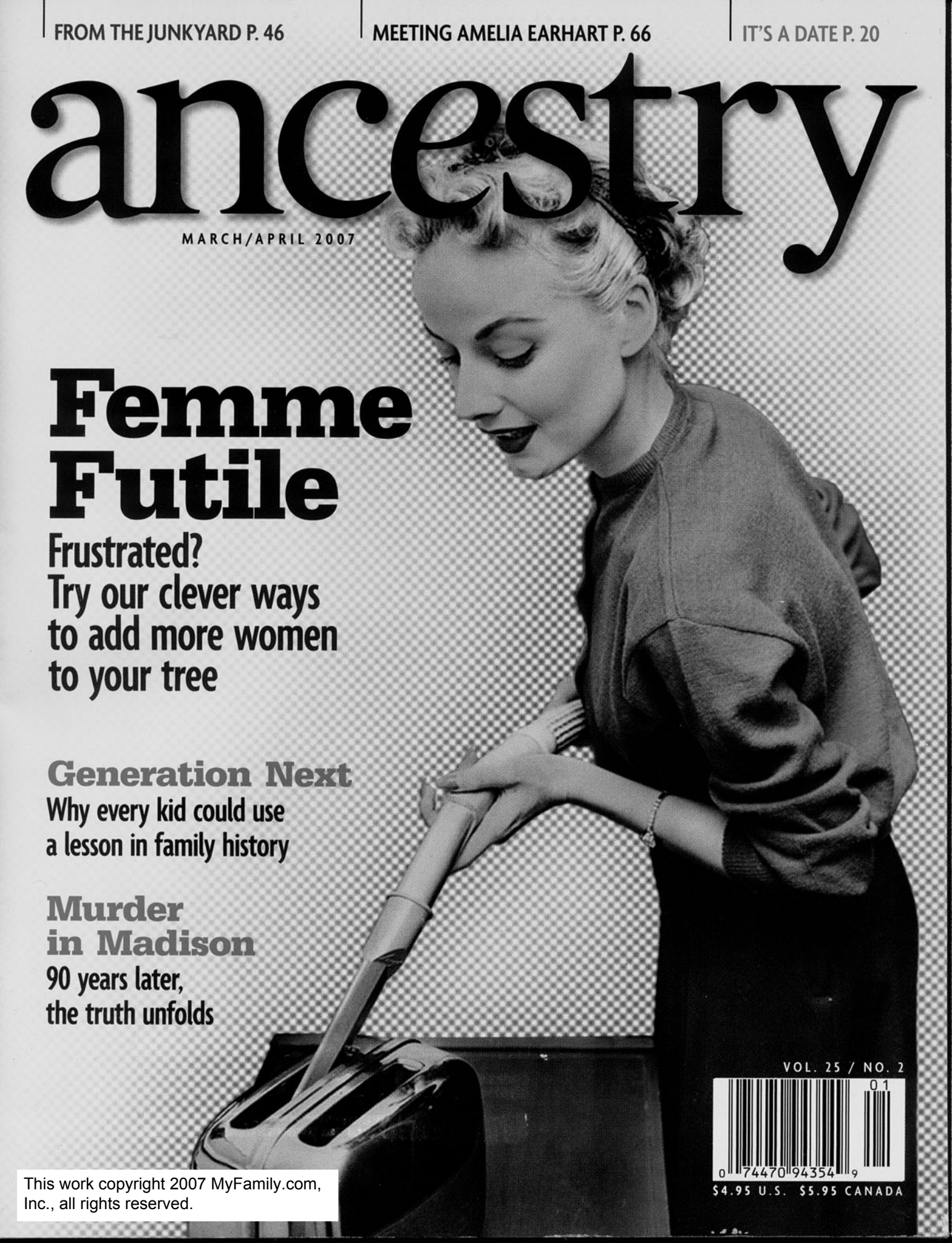

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90 years later, the truth unfolds

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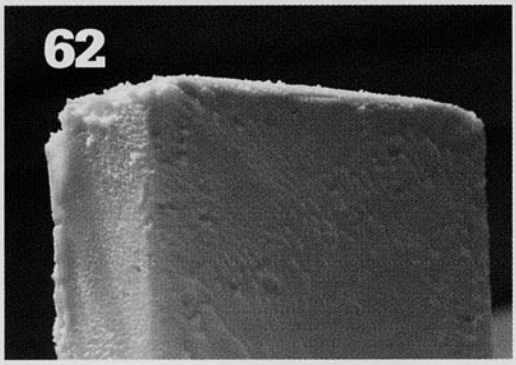
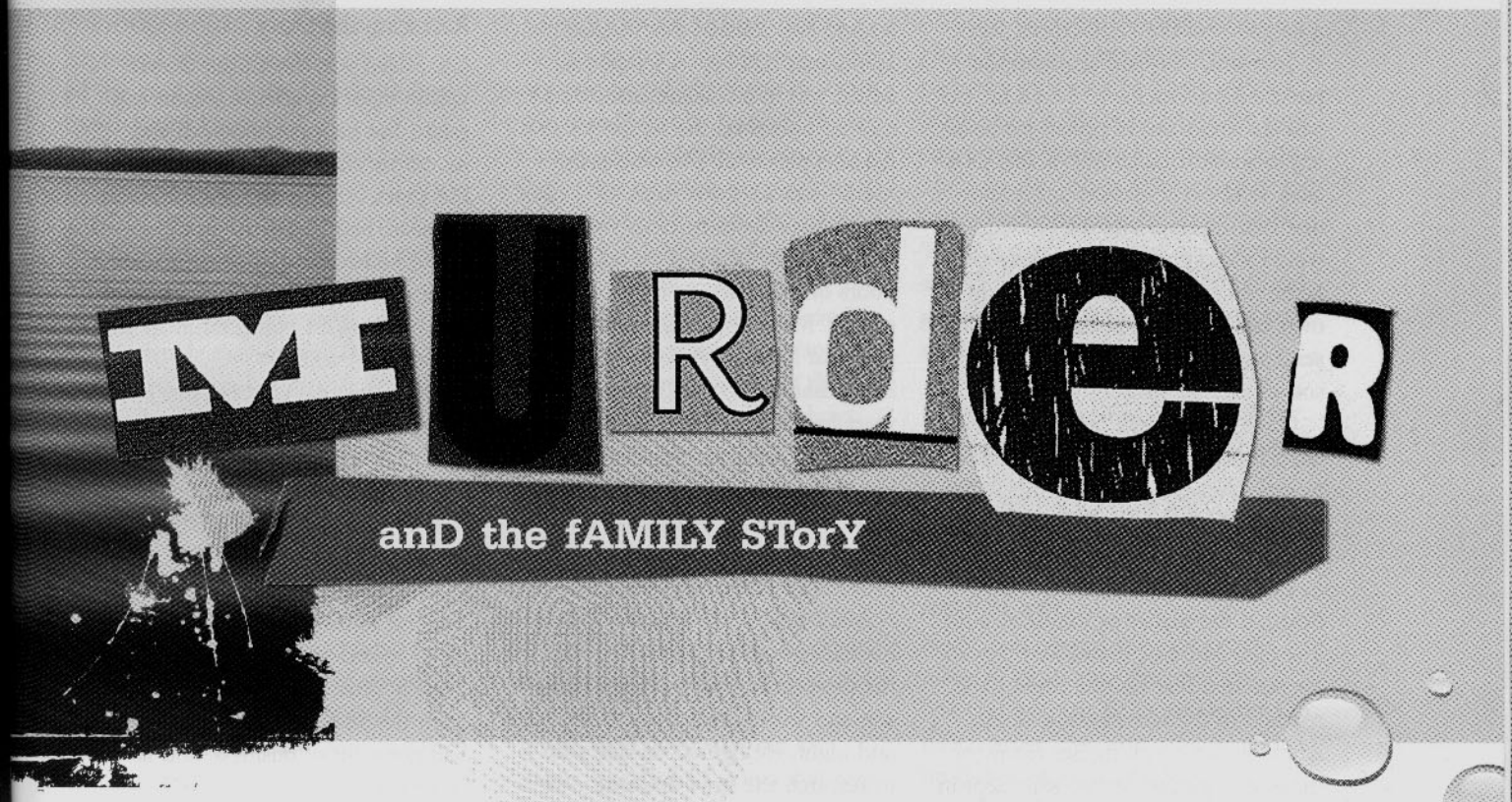


every issue

When seven-year-old Annie Lemberger was **MURDERED** *in 1911, the mystery surrounding the crime reverberated throughout the community.* **NINETY YEARS** *later, a distant relative discovered exactly what happened to Annie—and how it affected his own family's history.*



MURDER

and the FAMILY STORY

BY JENNIE KAUFMAN

MAGDELINE LEMBERGER ROSE BEFORE dawn on a cool September morning in 1911. Checking on her sleeping children, she found their bedroom window was propped open. Seven-year-old Annie was gone.

Magdeline rushed to wake her husband, who ran to the house next door in their working-class neighborhood known as the Bush in Madison, Wisconsin, to call the police. They arrived a few minutes later, followed by dozens of neighbors who swarmed over the house as the story spread. Nothing like this had ever happened in Madison. The two local newspapers, the *Wisconsin State Journal* and the *Madison Democrat*, leaped on the case in fierce competition.

"The day after Annie disappeared," Mark Lemberger reports in his book *Crime of Magnitude*, "the *State Journal* received 4,000 phone calls all asking one question, 'Has the little girl been found?' There were barely 5,000 telephones in the entire city."

Four days later, a man on his way to work found Annie's body floating in Lake Monona, a few blocks from her home.

Uncovering a Mystery

Who killed little Annie was still a mystery 74 years later, when the *State Journal* ran another story about it. Mark Lemberger, a 33-year-old salesman in South Carolina, called his mother, Ami, in Madison that Sunday morning, and she told him their family was front-page news. Mark, however, knew nothing of Annie Lemberger or her murder.

Mark's mother sent him the newspaper's two-part series, which reported the prevailing belief that Annie's father, Mark's grandfather, had killed her. Ami dismissed this notion, but when Mark, whose father was born five years after his sister Annie died, asked who the murderer was, Ami said, "Nobody knows."

Back Track

Back in 1911, Madison's citizens—and especially its newspapers—demanded that Annie's killer be brought to justice. "The fiend must be found," said an editorial in the *State Journal*.

Several hours after Annie's autopsy, Madison's police chief quietly arrested

a neighbor of the Lembergers, John A. Johnson, who had acquired the persistent nickname of "Dogskin." He was six weeks out of prison for refusing to support his family. A few days later, Johnson confessed to the murder. Fearing mob violence, he said he would plead guilty and asked to be taken to prison immediately, for his own safety. The judge imposed a life sentence, and the sheriff drove Johnson to the state prison that night.

Once out of town, Johnson recanted, claiming the confession was only to save himself from a lynching. "For the rest of his life, he maintained his innocence," Mark Lemberger reports.

The local papers took swift positions on the matter of Johnson's guilt. The *State Journal's* brand-new city editor declared that no one could have reached in the window and stolen Annie without waking her family or the easily agitated terrier who slept in the kitchen. Johnson's defenders speculated that Annie's father had killed her, perhaps by accident, and then covered up his deed.

But "nobody knows" wasn't enough of an answer for Mark. He had never really known the Lemberger side of his family, but his mother asked around and learned that Magdeline Lemberger had kept a scrapbook, which was in a cousin's attic. Mark's mother borrowed the scrapbook and made copies of all the articles for Mark—news reports from 1911 until Magdeline's death in 1952.

"I basically papered the walls and floors of my apartment with all these copies," Mark says of the bits and pieces of his family's secret history. More than once over the next two years he attempted to put the information in order and make an outline, but it was so complicated and so distant from his life. Finally, he says, "I decided that if I couldn't solve it and prove it, I'd never forgive myself."

Mark took a two-year leave from his sales job to throw himself into the project, moving back to Madison and working on Annie's story day and night. He figured on one year to research the story and one year to write it. It took six. The biggest obstacle to finding the truth? Says Mark, it was that "Ole Stolen owned the story."

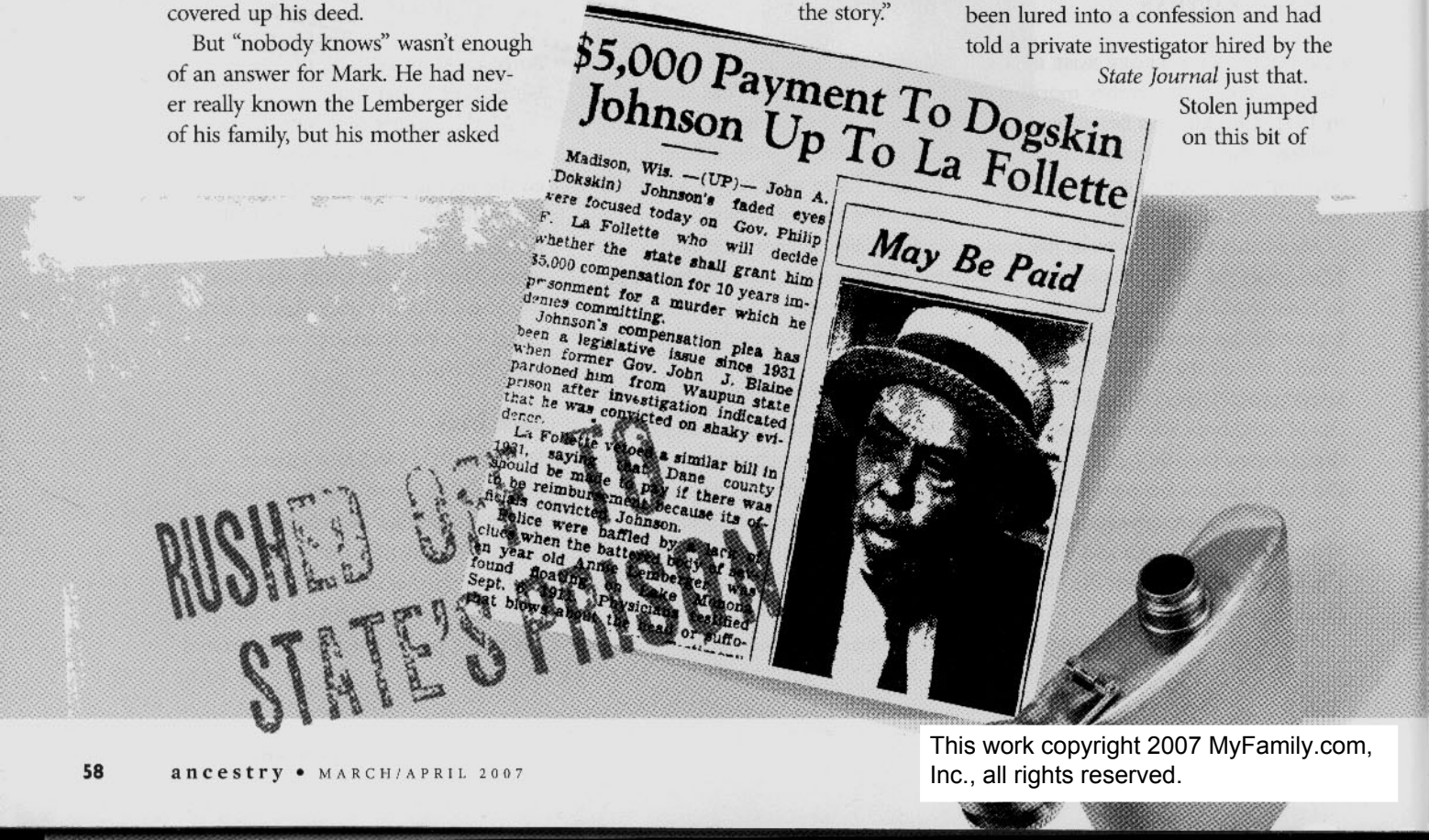
Retracing the Story

Ole Stolen was a Madison lawyer whose main experience was in real estate, but he was ambitious, and he ran for district attorney in 1920. For years, Annie's accused murderer, Johnson, had been writing to everyone he could think of, pleading for a pardon. When he learned Stolen was running for office, Johnson wrote to Stolen as well.

Stolen lost the election, but Johnson's letter compelled him to take up the case. "[Stolen] was convinced almost instantaneously by one letter that Johnson had been railroaded," Mark says.

Stolen began digging into the case. Because Johnson had had no trial, the court record was only two pages long. Most of Stolen's research, then, came from the *State Journal*; the *Democrat* had gone out of business, and its coverage was not archived.

The *State Journal* had taken the position that Johnson was innocent. According to the paper, Johnson had been lured into a confession and had told a private investigator hired by the *State Journal* just that. Stolen jumped on this bit of



information. This conversation never happened, and its claims were refuted the next day in the *Democrat*. But Stolen didn't know that.

Stolen engineered a pardon hearing for Johnson, which began 10 years after the crime, in September 1921. The hearing, however, didn't go well for Johnson until the last moment, when Stolen brought a surprise witness to testify that Annie's father was guilty. The witness, a former acquaintance, claimed that Annie's brother had told her that his father had accidentally killed Annie with a blow to the head, then paid someone to dump her body in the lake. The sheriff arrested Annie's father on the spot.

Johnson was not granted a pardon, but his life sentence was commuted, and he returned home to Madison, with much of the public now convinced of his innocence. Annie's father was charged with manslaughter, but the statute of limitations saved him from prosecution—as well as the chance to be cleared of the crime.

Another Definitive History

Mark counted 24 people who had, over the years, written "definitive" histories of the case. "But they were all going backward because Stolen started them that way," he says. Stolen gave a number of interviews in which he discussed what he "proved" at the pardon hearing. Until now, no one had ever had a reason to question Stolen's claims. But Mark had what no one else did: his grandmother's scrapbook.

Magdeline Lemberger had saved everything written about the family and the case, even some of the extra editions hawked by newsboys throughout the day. Her scrapbook contained the lost *Democrat* coverage, with verbatim police and autopsy reports.

Mark says that everyone who had researched the case had done so with preconceived notions or certain assumptions. That was a mistake he was determined to avoid.

Once Mark got started on his research, he quickly learned that previous researchers were up against more than just the missing archives from the *Democrat*. In the Madison police records, for example, he discovered that all the Lemberger collections—the raw reports from detectives, the autopsy, everything—were missing.

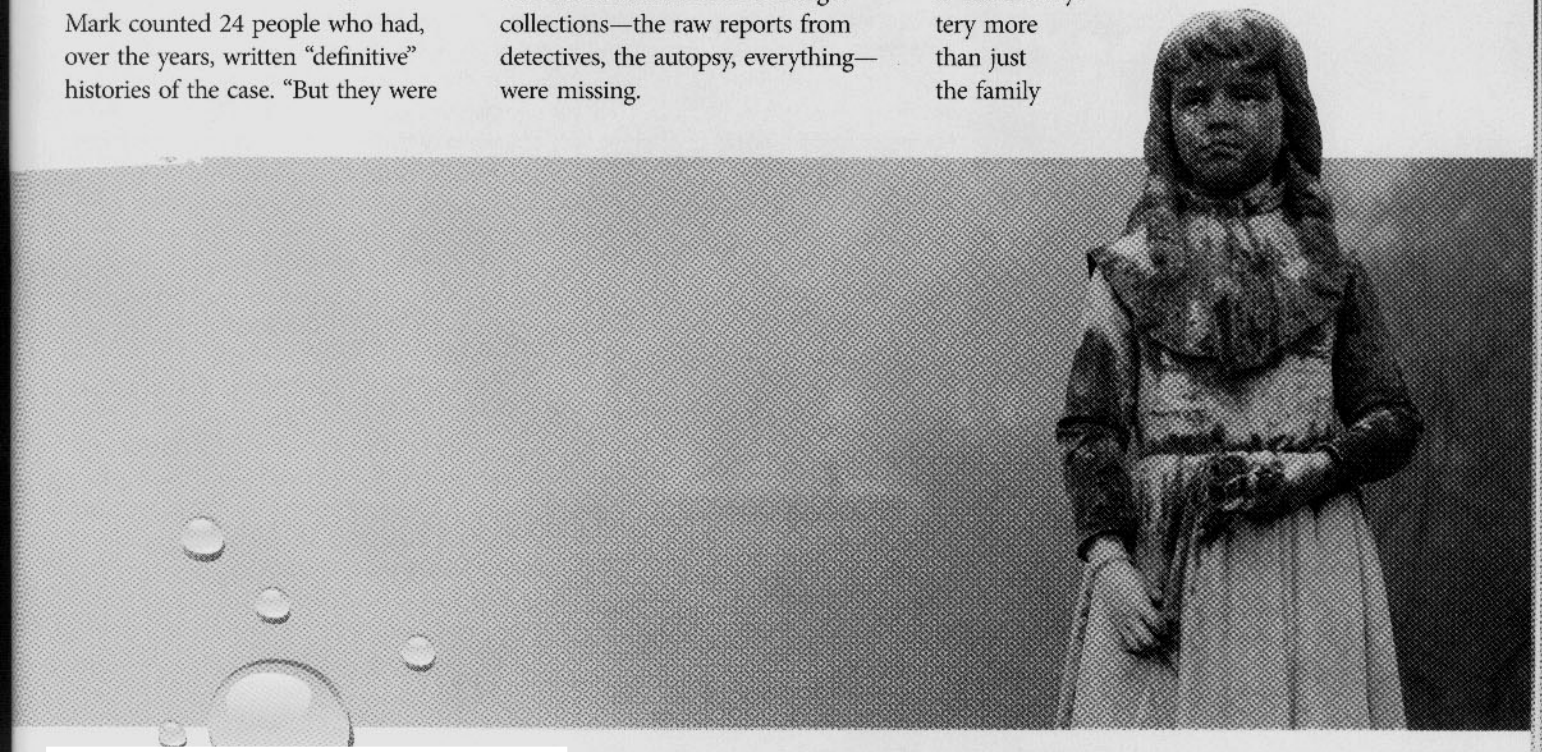
It was the same thing at the hospital. "I lucked into one completely verboten collection by sheer accident," Mark says—a file in which every page concerning Johnson had been cut out. The next day, when Mark asked to see that collection again, he was refused. Those records, it turned out, were sealed, but the sign had fallen off and gone unnoticed until the volume was re-shelved the night before.

Mark needed to know who had removed those records. "Finally what I found was the only person who had access was somebody with a court order," Mark says, "and there was only one guy who fit the bill." Ole Stolen.

Another Side

Stolen was elected superior court judge in 1922, after the pardon hearing, and was famously devoted to moral order. But, ironically, he ended up disbarred as an attorney and forced off the bench in 1927.

"He was the most fascinating guy in the whole setup," says Mark, who admits it was the mystery more than just the family



connection that drew him to the story. Mark put a portrait of Stolen on his office wall, where he could see it while he was laboring on his research at 2 a.m. "Folks used to say of Stolen, 'He was nothing if not dogged,'" Mark says. He would look at the portrait and think, "I'll show you dogged."

Mark's big "eureka" moment came three years in. "At the base of any of these mysteries, there is one ounce of irrefutable forensic fact" that it all turns on, he says. The autopsy report, which described Annie's body as "bluish," was the clue he needed.

Mark consulted with Madison's medical examiner and various experts, who explained that this was cyanosis, caused by suffocation. Annie did *not* die from a blow to the head, so the accusation against her father couldn't be true.

But questions remained, and some of them focused on Stolen: behind his disbarment was a connection to known bootleggers in the Bush, from whom he had obtained several loans. This led Mark into research about Madison's Rum War of 1924—the untangling of Judge Stolen's role in the Rum War and what Stolen was hiding became crucial in understanding Annie's story. Finally, with a few more eurekas and more documents uncovered, Mark figured out what happened that night in 1911. Johnson was guilty, as charged.

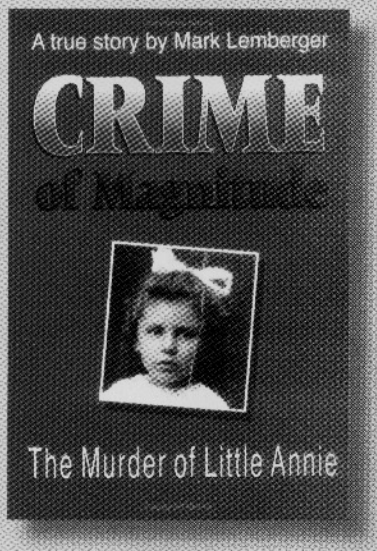
And Then He Knew

Mark finished his book, *Crime of Magnitude: The Murder of Little Annie*, and gave it to his editor. The book was published in 1993.

A year later, when Mark was on the book tour, it hit him. "This is it," he thought. His predecessors in telling the tale had drawn conclusions, but "they always left the door open an inch," he says. But Mark had closed the case for his family, and it "felt like I'd discovered Machu Picchu."

JENNIE KAUFMAN *is a freelance writer living in Brooklyn, New York.*

Murder Leads to Another Family History



Mark Lemberger had always thought of his family as typical, middle-class Midwestern people. When he saw the three-inch-high newspaper headline, ANNIE LEMBERGER FOUND DEAD, he said, "It ain't a boring family anymore!"

His reaction, he says, was typical of the third generation, the grandchildren's generation, something he learned while researching his own family's past.

In the course of his research, he wrote about the 1924 Rum War for *Madison* magazine, hoping that local people would come forth with more information. The town's older generations, who were children during the Rum War, did not appreciate this—Mark's own uncle, the second generation, denounced him for bringing up that shame.

The next generation, however, was fascinated. The grandchildren found the Rum War stories "wildly interesting and romantic," Mark says, and they were full of questions about his documentation. He gave them what he had, which he describes as "all very benign stuff—the still in the attic—rather than the people who were shooting each other."

There was one exception to the generational divide. After he finished the book and moved to the Bay Area, he got a call from someone in Sacramento: "I am the daughter of Tony Navarra. Do you recognize that name?" Of course he did. Tony Navarra had been the leader of a gang of bootleggers. He was killed in the Rum War.

Navarra's daughter, age 75, had read Mark's book, and she told Mark to come visit her. He obeyed. "She was one tough woman, with eyeballs that bore right through me," he says. But she said, "You treated him fairly kindly. Why?"

Mark told her the truth: "That's what they said about him at the time."

Navarra's daughter was five when her father was murdered, and she and her mother and sisters fell into abject poverty. She said she would stand on the street in ragged clothes in the cold, hoping someone would take pity on her and tell her why her dad was no longer there. No one did until Mark wrote about him.

The Rum War was "the central black hole in all of those lives for all of those years," Mark says. "Nobody would tell them what had happened." A fact Navarra's daughter confirmed when she told Mark, "This is the first explanation I ever got."