

The Charge: Murder

The daredevil Tex Thornton was famous for cheating death as an oilfield firefighter, but it finally caught up with him in an Amarillo motel room

A true-crime series, Part 1 of 3

Posted: Sunday, June 20, 1999

Serial marks 50th anniversary of oilfield firefighter's death

Editor's note: W.A. "Tex" Thornton seemed invincible. The Amarillo oilfield firefighter had earned a reputation as a daredevil by surviving, time and again, the deadly risks of extinguishing oil and gas fires in the booming Texas Panhandle oil patch. When Thornton, 57, was found bludgeoned to death in an Amarillo motel room on June 23, 1949, the specter of adultery that hung over the case and the nationwide search for the young couple suspected of killing him touched off a national news frenzy.

To mark the 50th anniversary of Thornton's death, *Amarillo Globe-News* Staff Writer Sonny Bohanan wrote a three-part true crime serial that examines the hours leading up to the famous man's death and the weeks and months that followed as authorities pursued Thornton's accused killers and tried them for murder. Bohanan relied primarily on the extensive *Globe-News* archives, which contained dozens of news stories written by Bill Cox and Al Dewlen, the reporter and city editor, respectively, who covered the story for the *Amarillo Times*. Bohanan also interviewed Cox and Dewlen for this account, and he later read Dewlen's excellent 1961 novel, *Twilight of Honor*, which was based on this case.

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By SONNY BOHANAN

Globe-News Special Projects Writer

The screen door swung open at the bar in San Jon, N.M., as W.A. "Tex" Thornton and the young couple walked in. Torrance Popejoy, a longtime friend of the well-known oilfield firefighter, called out to the trio as they settled into a booth on the north end of the tavern.

"What'll it be, Tex?" he asked as Thornton threw a wad of bills and some silver onto the table.

"Three whiskey sours," Thornton answered, but the young woman and the red-haired man declined, asking for beer instead.

Popejoy served the drinks. Thornton, indicating the money on the table, said, "Take what's yours, and leave me some."

The bar, situated near the Texas-New Mexico border along Route 66, was cool and dim on this Wednesday afternoon, June 22, 1949.

Thornton looked around the room. He and his companions were alone but for the barkeep and three railroad men sitting at the bar. The clock on the east wall showed 4:20 p.m. and the one on the west wall, set to Mountain Time, read 3:20.

"It's getting awful lonesome in here. Wish you'd start the jukebox," Thornton told the woman, a pretty blonde in a white blouse and dark skirt.

She sauntered over to the jukebox and fed in the change, and as they finished their drinks, Thornton ordered up another round of whiskey sours. The woman asked for a shot of whiskey instead, and the young man ordered beer again.

Popejoy eyed the woman as she moved restlessly about the room. She was beautiful, he thought, tall and slender, taller than the young man sitting quietly in the booth with Tex. She looked to be 22 or 23, and her companion, a short well-built man wearing a white ball cap, about 25. They were nicely dressed.

As they finished their drinks, the woman ordered a sackful of beverages to go: a pint of Schenley's Black Label whiskey, six cans of beer, four bottles of Squirt soda pop, four packages of peanuts and two packs of Camel cigarettes.

She paid for it all from the money Thornton had tossed onto the table.

The three walked back out into the bright sunlight. The man in the ball cap slipped behind the wheel, and the woman got into the passenger door of Thornton's black 1948 Chrysler sedan. Thornton sat next to her on the window seat, and they drove off east, toward Amarillo.

The bar owner had known Thornton for more than 20 years, dating back to the oil boom in Borger, where Thornton had learned to use explosives to snuff oil-well fires, like blowing out a giant match.

Thornton, now 57, had since moved with his wife, Sara, to Amarillo, a city whose population had exploded to almost 75,000 people during the postwar boom. Thornton was a brash daredevil, toting boxes of dynamite on his shoulder like sacks of potatoes and dropping nitroglycerin shells into burning wells.

Once, as Thornton stood over a burning pit, the bank began to cave in and he dropped as the ground crumbled beneath him. Instantly, he reached overhead, caught hold of a cable and

pulled himself to safety, hand over hand. He didn't walk for five weeks afterward as the burns on his feet healed.

"A fellow only has one time to die," Thornton told a magazine reporter, implying that he never worried about when his time might come.

As his fame and wealth increased, Thornton began wearing large diamonds and carrying rolls of cash wherever he went.

In May 1935, his reputation reached godlike proportions when, hoping for relief from a four-year drought, a group of Dallam County farmers took up a collection and hired Thornton. The explosives expert attached charges to balloons and timed the bombs to explode as they reached the clouds above.

Though the moisture didn't come for several days, soaking rains eventually fell in Dalhart and spread 300 miles north.

Thornton was widely credited with breaking the drought.

Trail to Amarillo

Just before 7 p.m., almost two hours after leaving the bar in San Jon, the Chrysler pulled into Briggs service station in Adrian, about 50 miles west of Amarillo.

A teen-age boy filled the car with gasoline, and Thornton told him they couldn't kill the engine or it wouldn't start again. The boy looked up just as the woman took a drink from a whiskey bottle.

Thornton pulled out his wallet to retrieve a card and pay for the gas, but he fumbled with the wallet and could not get the card out. Finally, the driver took the wallet and removed the card, and Thornton handed it to the attendant.

About 8:20 p.m., near dark, the car pulled into the parking lot of the Park Plaza Motel, 612 N.E. Eighth Ave., in Amarillo.

The woman stepped out of the car, entered the office and filled out a registration card. She paid \$8.50 for a two-bedroom cabin and signed the card "E.O. Johnson, Detroit, Mich." She didn't know the car's license number, so the motel owner peered through the window and copied the plate number onto the card.

The driver and Thornton, who was now in the back seat of the car, waited in the vehicle.

The motel porter, Charlie Thompson, showed the guests to cabin No. 18, unlocked the door for them and turned on the lights. They had no luggage. Thornton went in first, and the young woman and man followed. The man asked the porter for a good place to eat.

“Long Champs cafe across the street,” Thompson said.

A few minutes later, Thompson was summoned because the radio in cabin 18 was not working. Thompson plugged in the radio, and came back to the office to listen to the Ezzard Charles-Joe Walcott boxing championship on his own radio.

About 10 o'clock that night, the young couple came out of the cabin and asked the porter to help them start the car. Thompson pushed the car through the parking lot, and the driver asked a second time about a good local eatery. Again Thompson recommended the cafe across the street.

A motorist passing on Northeast Eighth, seeing the group pushing the car, stopped and eased his front bumper against the back bumper of the Chrysler and gave them a push. Thompson watched the Chrysler's red taillights grow smaller as the couple drove east into the night on Route 66.

Thornton found dead

Al Dewlen, the 27-year-old city editor of the *Amarillo Times*, an afternoon tabloid, arrived at the Park Plaza Motel shortly after 9:30 the next morning, minutes after the police had been summoned to the tourist court.

Jessie Mae Walker, the motel maid, had found Thornton dead in the back bedroom of the cabin when she let herself in to clean about 9:15 a.m.

Thornton was in the bed, nude, and the covers had been pulled over his body. His own shirt had been knotted about his neck so tightly that funeral director Paul Boxwell could barely get it off.

The victim had suffered several head wounds that shattered his skull and penetrated his brain, and his blood had soaked through the mattress and dripped onto the floor.

His pockets were empty of money and identification, and members of the Will Rogers Range Riders, of which Thornton had been a member, were soon on the scene to positively identify the body.

Thornton's clothes lay on the floor next to the bed, along with a pair of bloody trousers that police guessed had been worn by the killer. The lower plate of Thornton's dentures was underneath his body, knocked out, perhaps, during the struggle.

Dirty glasses, empty beer cans and a lipstick-smearred handkerchief were found in the room. Blood in the bathroom sink indicated the killer or killers had washed their hands before leaving.

Amarillo Police Chief Sid Harper was out of town, leaving new Sheriff Paul Gaither to work his first murder case. Dewlen, the city editor who is now a novelist living in Waco, said some aspects of the investigation by Gaither and the Amarillo police were doomed from the start.

“Within 15 minutes of when I got there, there must have been 30 people in that room,” Dewlen said. “The Range Riders tramped around and tracked blood everywhere. They had their fingerprints all over everything.”

Two-inch headlines blared the news that afternoon in the competing *Amarillo Globe* and *Amarillo Times*, and the question on many lips was put into print by Norton Spayde, a *Globe* reporter.

“How a young pair as described to officers could take advantage of Mr. Thornton is still a mystery. Both the young people are described as lightweights, and Tex had been schooled in the rough and ready oil fields.”

Officers immediately began retracing Thornton’s steps in New Mexico, and the Range Riders formed a posse in an effort to follow the trail of Thornton’s black Chrysler after it left Amarillo.

To catch a killer

Thornton’s widow informed police that he had left Amarillo on Sunday, June 19, for a job in Farmington, N.M. He’d planned to return on Tuesday, June 21.

He did leave Farmington shortly before noon Tuesday, but between 4 and 5 p.m. that day he called Frank McCullough, sales manager of Meyers Motor Co. in Amarillo, to say he’d had trouble with his distributor east of Albuquerque.

After interviewing San Jon bar owner Torrance Popejoy, the service station attendants in Adrian and witnesses who saw Thornton in Albuquerque, police theorized that Thornton had picked up the young couple Wednesday afternoon, June 22, as they hitchhiked east of Tucumcari.

Friday morning, 24 hours after Thornton’s body was found, a Potter County grand jury returned murder indictments against the couple, listed as John Doe and Mary Roe.

Also Friday, the Range Riders had followed leads to Elk City, Okla., where witnesses said the man and woman had stopped for gas. That afternoon, the posse members were in El Reno, on Route 66 toward Oklahoma City, where they found another station that had serviced Thornton’s car.

Then the first big break of the case arrived from Dodge City, Kan. Thornton's car had been found abandoned near a school there. His nickel-plated .45 automatic handgun and the car keys had been discarded nearby.

The *Amarillo Daily News* carried the story of the car on Saturday, the day of Thornton's funeral at First Christian Church, along with a front-page editorial that turned up the heat on police to catch the killer and expressed what many believed to be the motive for Thornton's death. The editorial, under the headline "Up in arms," read, in part:

The people of Amarillo and the Panhandle are indignant and demanding, and rightly so. In the drug stores, over dry goods counters, across backyard fences, between cups of coffee, a great murmur of protest is rising over the brutal slaying of one of our good citizens, Tex Thornton.

From all apparent facts, Tex Thornton gave some hitchhikers a ride (a typical thing for good-hearted Tex Thornton), and they contrived to beat him to death for his money and automobile. This sort of thing cannot be tolerated. This sort of thing has been made possible because it has become almost a technical matter to get murderous criminals acquitted or light sentences. It has become so easy to beat the rap that murderers are willing to take a chance. Blocking justice with technical obstructions and legal tricks cannot be condoned by an aroused people.

Blonde steps forward

Another lead had lawmen busy by this time. The name R.L. Leach had been written inside the bloody trousers found in the Park Plaza Motel, and officers began a nationwide search for any Leach who may have been in the Amarillo area at the time of Thornton's killing.

Also, the story of Thornton's death had by now been circulated in newspapers around the country, and descriptions of the two suspects brought news tips pouring in to the Amarillo police.

Each day, the Amarillo newspapers reported new arrests that never panned out. People named Leach were detained by the dozen, but all ultimately were freed with no charges against them.

The hundreds of newspaper stories that had been printed began to dry up as the weeks turned to months, until finally the case had gone stale by the end of 1949.

Then, on Feb. 7, 1950, an 18-year-old woman named Diana Heaney Johnson turned herself in to park police in Washington, D.C., and unburdened her conscience. Officers didn't believe the story she told them—all of them except park policeman Porter M. Beale, and he remembered

that the woman had turned herself in more than a month before and had told the same story. She was admitted to a psychiatric hospital on that occasion.

This time, Beale sent a telegram to Amarillo Police Chief Sid Harper asking whether a man named Thornton had been killed in Amarillo the previous summer. Harper responded with a few details of the case and asked for any information Beale might have.

Police soon believed Johnson was the woman they had been trying to find for the past eight months. She described how Thornton had picked her up with her husband, Evald Johnson, while they were hitchhiking in New Mexico, how they all had been drinking heavily when they checked into the motel cabin, and finally how she had left the cabin to get her clothing from the car and returned to find her husband beating Thornton in the back bedroom.

She said her husband took the rich oilfield firefighter's money and told her to get in the car, "or you'll get what he got," she told them.

Johnson described her husband as a mean drunk who frequently beat her. She said she turned herself in because she feared he would find her in Washington, D.C., where she was living under the assumed name Linda Wouri.

"I never want to see him again," she said.

The press seized upon the story with vigor. Three Washington, D.C., newspapers carried long accounts of her confession, and the Amarillo newspapers took up the charge again after months of little to report on the case.

Diana cursed and smoked like a sailor, and reporters quickly discovered what Beale, the park detective who broke the case, already had found. "Diana Johnson is one famous liar," Beale said.

Diana's version of events changed depending on which reporter she talked to. In one instance, she said her husband beat Thornton with a hammer, and in another she said it was Thornton's .45 automatic. In one confession she said Thornton was on the bed, and in another she said he was on the floor.

She also told police that she had spent time in a Detroit mental hospital but later said she had been joking. She said she was an orphan, though police discovered that her parents were living in Lynwood, Calif., where her father, Robert Heaney, was a postman.

She said she fled from her husband after they had abandoned Thornton's car in Dodge City, Kan., but Evald managed to find her after she had hitchhiked to Tampa, Fla. Police later found out that the couple had traveled together to Florida, and Diana finally left him there and moved to Washington, D.C.

But Diana had no trouble telling police how to find her husband, Evald—the E.O. Johnson on the motel registration form. He was born in Munising, Mich., a small town on the Upper Peninsula across Lake Superior from Canada, and Diana said he likely would be there or in Wyandotte, near Detroit.

On Feb. 9, a police officer spotted Evald and his sister, Edith Louis, coming out of Tervo’s Tavern in downtown Munising, a town of about 2,800 people. Officers followed them to the woman’s home and knocked on the door.

She said her brother was not there, but one of the officers called Evald’s name up the stairs, and down he came. He was arrested without a fight, but he vehemently maintained his innocence.

Coming Monday: The trial begins.

The Charge: Murder

Clash of lead attorneys’ egos provides excitement at trial

A true-crime series, Part 2 of 3

Posted: [Monday, June 21, 1999](#)

By SONNY BOHANAN

Globe-News Special Projects Writer

In February 1950, eight months after the beating death of W.A. “Tex” Thornton in an east Amarillo motel, 18-year old Diana Heaney Johnson surrendered to police in Washington, D.C. She said she watched her husband, Evald Johnson, kill and rob the famous oil-field firefighter. Evald was arrested in his hometown of Munising, Mich., but proclaimed his innocence.

Bill Cox, a 22-year-old police reporter for the *Amarillo Times*, was drinking in a Polk Street bar on Feb. 10, 1950, when Al Dewlen, his city editor, found him.

Dewlen gave Cox a plane ticket to Munising, Mich., and drove him to the Amarillo airport to make sure the young reporter didn’t miss his plane.

Cox, who had covered the Thornton story from the start, didn’t even stop to pack a bag. He flew to Chicago, then changed planes.

“I took a small plane from Chicago with skis on it,” Cox, now 72 and writing true-crime novels from his Amarillo home, told me. “I stepped out practically up to my waist in snow, and all I had was a thin overcoat.”

When I interviewed him, he gave me one of his paperbacks, *Over the Edge* (Pinnacle, 1997), a lurid tale of torture and murder, as they all are. He said fellow-members of his church would be unpleasantly surprised to learn how he spends his days since retiring from the *Globe-News* in 1992.



Diana Johnson in custody

Cox hurried to the sheriff's office in Munising and found he had arrived even before Amarillo's sheriff, Paul Gaither, and the other Amarillo reporters. The sheriff in Munising brought Evald Johnson into the office to talk to Cox, and a new twist was added to the case, as Amarillo readers learned in the next day's *Times*.

The headline read: "Johnson to pay with his life ... Blames wife's infidelity for shocking murder ... says he will plead guilty to Thornton slaying."

The story under Cox's byline said:

Big-handed, square-jawed Evald Johnson Friday night blamed nudity of his pretty young blonde wife for the motel murder of Tex Thornton. . . .

"I saw my old lady walking to the bathroom as naked as the day she was born," the sandy-haired murder suspect said. "The next thing I knew, I was beating him with the butt of the gun. I don't remember nothing else.

"I remember holding the gun in the air, and saw blood on my pants. I don't know whether I choked him with the shirt before or after I hit him. I had laid down on the bed in the front

room to drink some beer. I must have passed out. But I woke up and saw her naked.

“I am ready to let them have what they want to make up for it—even my life.”

Cox and other reporters put many of the puzzle pieces together while in Munising. Evald, who was 30 at the time of his arrest, said Thornton had made improper advances toward Diana, who was then 17, during their drive to Amarillo.

“He put his hands all over her,” Evald said.

The reporters also learned that the bloody pants with the name “Leach” inside them had been worn by Evald during the killing, and that he had obtained them at a Salvation Army in Colorado Springs, Colo.

Information from the suspects and their family members filled in more of the blanks. Diana had run away from home in Lynwood, Calif., at the age of 15, and she met Evald, who was stationed at an Army base in California serving his second tour of duty.

Evald had flown 72 missions as a ball turret gunner in World War II and signed up for another hitch after the war. He later was discharged because he often went AWOL trying to keep up with Diana, who was running around with other men, he said.

Evald married her in February 1947 at Ogden, Utah, where the two could legally marry while Diana was 15. A police chief in Grand Island, Neb., forced the marriage, Evald said.

He described his wife to the *Times* as “a girl who was always in juvenile trouble. She went around soldiers posing as a 23-year-old girl when she was 15. I was living with her before we were married. I had my choice of marrying her, or doing 20 years for statutory rape. That’s what the police chief (in Nebraska) told me. Hell, I married her. And I did love the woman, anyway.”

A legal defense

Evald’s promise to plead guilty evaporated when he arrived in Amarillo and hired attorney Ernest “Dusty” Miller, whose fame surpassed even Thornton’s.

The 64-year-old lawyer had defended dozens of people facing the death penalty. Never had one of his clients been strapped to the electric chair.

Diana, meanwhile, hired Byron Singleton as her attorney. Thornton’s widow, Sara, and his son, Bates Thornton, had retained another high-profile criminal defense attorney, George McCarthy, to assist the district attorney’s office, and 47th District Judge Henry Bishop cooperated by appointing McCarthy as special prosecutor.

McCarthy wasted no time in announcing that the state would try Evald Johnson first and would seek the death penalty.

And, in a highly unusual move, the state, rather than the defense, asked for a change of venue, arguing that local newspapers and radio stations had indelibly stamped the minds of Potter County residents with the opinion that Thornton and Diana had “engaged in immoral relations.” In the motion to move the trial, Diana denied that she and Thornton had engaged in sexual relations and said Thornton never made advances toward her.

The judge refused to move the trial and scheduled jury selection to begin May 8.

The press played up the impending clash between Miller and McCarthy.

“Dusty Miller handled a jury better than anybody I can remember,” Dewlen, who covered the courthouse beat for the *Times*, told me. “He had a country manner and was very agreeable, and when something was hurting his case, he was mugging for the jury, digging out his ears or picking his nose, anything to take their mind off what they were hearing.

“When he wasn’t on a case, he drove all over the county, and he’d stop and talk to farmers. When a jury was called in Potter County, he knew 90 percent of them. He always had friends on the jury. He knew the law, but better than that, he knew people.

“Dusty used to tell me that if they’ve got your client cold, then you try the victim and show that the victim deserved killing.”

McCarthy was a younger man, 45, a suave, handsome, well-spoken city lawyer, a firebrand still in the process of making a name for himself, Dewlen said.

“He was brilliant, but he offended some people because he had a lot of ego,” Dewlen said. “He kind of envied Dusty’s reputation. Dusty was known as a great criminal lawyer all over the state, and George anointed himself the heir apparent and wanted to take on Dusty.”

Dewlen, fascinated by the interplay between the lead attorneys and by the constitutional question at the heart of the trial, later wrote a novel based on the Tex Thornton case, *Twilight of Honor* (Signet, 1961), a courtroom drama that won the McGraw-Hill Fiction Award in 1962, for which Dewlen won a \$10,000 prize. The novel was turned into a 1963 big-budget film starring Richard Chamberlain, Claude Rains and Joey Heatherton.

Murder trial begins

Miller and McCarthy tangled from the start of jury selection. The first potential juror to be examined was former Amarillo mayor Lawrence Hagy, and Miller questioned him repeatedly about what newspaper articles he had read. Finally Miller produced copies of newspaper

stories, and McCarthy objected because the judge had said no newspapers were to be brought into the courtroom.

“I don’t want some outlaw lawyer to tell me what’s proper,” Miller snapped, causing Judge Bishop to caution him against calling McCarthy an outlaw.

Jury selection took three days, and Miller made clear in his questions to potential jurors what his defense would be: Justifiable homicide, as defined by Section 1220 of the Texas Penal Code.

“Homicide is justifiable when committed by the husband upon one taken in the act of adultery with the wife, provided the killing take place before the parties to the act have separated,” the code states, meaning before the parties have left the premises. “Such circumstances cannot justify a homicide where it appears there has been, on the part of the husband, any connivance in or assent to the adulterous connection.”

While still in Michigan, Evald made an official confession to police. McCarthy’s first act when the trial began was to offer Evald’s statement into evidence.

The prosecutor pointed out that the statement made no mention of Diana being nude and that it offered no motive for the slaying. Of the crucial moment in the Amarillo motel, it said only, “... when I woke up, I saw Diana coming out of the bathroom. The next thing I remember, I was standing over Mr. Thornton with his gun in my hand.”

Coming Tuesday: The verdict

The Charge: Murder

Evald Johnson faces possible death penalty as trial opens

A true-crime series, Part 3 of 3

Posted: [Tuesday, June 22, 1999](#)

By SONNY BOHANAN

Globe-News Special Projects Writer

As Evald Johnson’s murder trial began, a statement he gave to police provided many details from June 22, 1949, the day W.A. “Tex” Thornton was killed. But the statement offered no motive for the slaying. Of the crucial moment in the Amarillo motel, it said only, “... when I woke up, I saw Diana coming out of the bathroom. The next thing I remember, I was standing over Mr. Thornton with his gun in my hand.”

W.A. "Tex" Thornton was already drinking when he picked up Evald and Diana Johnson, who were hitchhiking east of Tucumcari, according to a statement given police by Evald Johnson.

Thornton asked Evald to drive, so the younger man got behind the wheel of the 1948 black Chrysler sedan. Thornton sat on the passenger side of the front seat, with Diana between them.

"After I began driving, he put his arm up on the back of the seat and put it around her," the statement said. "After a while, while his left arm was still around her, he began feeling of her with his right hand."

After the trio stopped and drank at the bar in San Jon, "he got to feeling around on Diana again, and both of us were drinking. ... While we were driving along, he told me something about being a deputy sheriff, and asked me how much money I had. I told him I had about two dollars, which was the truth.

"The way he was asking the questions, I was afraid of getting picked up for vagrancy. While we were talking he got a gun from the back seat. It was a silver-plated .45-caliber Colt automatic. He held it in the front seat for a while and shot it out the window, and then threw it in the back seat."

George McCarthy, the special prosecutor, questioned all the witnesses who saw the couple with Thornton along Route 66, the motel owners and employees, witnesses in Dodge City who found the car and the gun, and the police who had worked the case. The state rested its case at 1:30 p.m. Friday, May 12, 1950, five days after jury selection had begun.

Evald testifies

Evald took the witness stand Friday afternoon and talked about his life before the killing, his army service and his childhood. On the same day, the state dropped its murder charge against Diana, although she still faced a federal charge of transporting a stolen vehicle across state lines, and she remained in the Potter County jail, four floors above the 47th District courtroom.

On Saturday, May 14, the testimony that the packed courtroom had been awaiting finally arrived. Norton Spayde, a reporter for the *Globe*, opened his story this way:

Bristling and with eyes blazing, red-haired Evald Johnson testified at his trial for murder that he caught his wife and Thornton in bed naked and that he beat the noted oil well firefighter to death with his own gun.

"He fumbled under his pillow and got his gun and threatened to shoot me," Evald testified. "I took the gun from the man and beat him with it."

Under four hours of cross-examination by special prosecutor George McCarthy, Johnson stuck to his story and ended his

testimony with the statement: “She was my wife. She was not his wife. She was mine.”

Evald, dressed in a blue double-breasted suit for the duration of the trial, looked directly at the jury as he testified. He said he awoke on the bed in the front bedroom and saw his nude wife disappear into the back of the cabin, where the bathroom and Thornton’s bedroom were located.

“I got up and went to the bathroom,” he said. “I looked in and she wasn’t there. The door to Thornton’s room was halfway closed so that I couldn’t see the bed. I pushed the door open and the lights were on. When I opened the door, there was my wife on the bed and Mr. Thornton was with her. He didn’t have any clothes on either.”

The defendant said he remembered little about the struggle except that he took the gun away from Thornton and hit him in the head with it. He said Diana took Thornton’s money, but he didn’t know that until they stopped for gas on the way out of town.

Evald also testified that Thornton had tried twice to get rid of him—and be alone with Diana—as they drove from New Mexico to Amarillo.

Between Adrian and Amarillo, Evald testified, Thornton pulled off on a side road and asked Evald to get out of the car “while he and Diana went down the dirt road to look at his wheat.” Evald refused, and Thornton crawled into the back seat and asked Diana to get in the back with him. Evald told her not to do it, he testified.

Evald drove through Amarillo on Route 66 (now Sixth Avenue) and Thornton directed him to the downtown post office. Thornton then asked Evald to get out and retrieve Thornton’s mail, but again the younger man refused.

Defense attorney Dusty Miller pointed out that the trio had driven within 200 feet of Thornton’s home, in the 500 block of South Florida, when they came through town. They followed Route 66 to the Park Plaza Motel, 612 N.E. Eighth Ave., which is now Amarillo Boulevard East.

Miller wondered aloud why Thornton had chosen to pay for a tourist cabin and to stay with the young couple rather than return to his own home.

Jury reaches verdict

McCarthy tried to answer the question for jurors when he called Thornton’s widow, Sara Thornton, as a witness. She testified that her husband drank considerably and didn’t like to come home when he’d been drinking because she “fussed at him.”

She said she traveled frequently with her husband. "We often paid lodging and meals for hitchhikers," she said.

Then, by calling Diana's mother as a witness, McCarthy tried to show that Evald had set up the tryst between his wife and Thornton as a money-making scheme.

Mrs. Robert Heaney, Diana's mother, cried when she testified that Evald once said he saw no reason why Diana should not make him a living with her body.

"He told her father that in my presence," Heaney said.

By the end of the trial, the courtroom had erupted into shouting matches between Miller and McCarthy, the opposing attorneys. Miller objected repeatedly to McCarthy's questions as leading and repetitious. Each time Miller started to object, McCarthy interrupted him, leading Miller to bark, "Keep your trap shut!" and "Quit popping off!"

Judge Henry Bishop warned members of the standing-room-only crowd that they would be removed from the courtroom if they didn't stop tittering at the lawyers' heated exchanges.

Finally, on Tuesday, May 16, jurors retired about 3 p.m. to deliberate. Three hours and 19 minutes later, they returned with their verdict:

Not guilty.

Johnson had been acquitted. A fleeting, wan smile played over his face as he thanked his attorneys.

"Come on, Evald," Sheriff Paul Gaither said, and Evald, in his hour of triumph, was hustled back into the Potter County jail, where he was held on federal charges of transporting a stolen vehicle across state lines.

Epilogue

Evald and Diana Johnson were released on bond after the trial, and they went their separate ways: Evald, back to Michigan, and Diana back to her parents in California.

Diana went to work as a housekeeper and governess for a California movie producer.

Evald wound up in a Wisconsin veterans hospital, where he was treated for alcoholism. He was released in late September 1950 to return to Amarillo and face the federal charges, and he bought a bus ticket for the trip. While he was in a Wisconsin drug store waiting for the bus to leave, he spotted a copy of "True Experiences" magazine, whose cover featured a large picture of Diana. Inside was a story she had written, titled, "I'm so ashamed."

After reading the story, Evald said, "I blew my stack."

Rather than catching the bus, Evald found a bar and drank heavily and wound up back in the hospital. Hospital officials sent a telegram to Amarillo, saying he was too drunk to return for his federal trial, so Miller paid Deputy Sheriff Henry Maggard to escort Evald back to Texas.

The trial opened at 9:30 a.m. on Oct. 5, 1950, and Diana and Evald both entered pleas of not guilty. But as the hearing continued, they changed their minds and both pleaded no contest to the charges.

Judge Joe B. Dooley sentenced Evald to four years in federal prison, and Diana received four years' probation.

After Evald had served his sentence, a wedding notice appeared in the *Munising News* on Aug. 19, 1954. It announced the recent nuptials of Evald Johnson and Miss Lillian Schultz in a double-ring candlelight service.

Evald at the time was employed by Edward Peterson, a Munising painter and decorator.

On the 25th anniversary of Thornton's death, in 1974, a story in the *Amarillo Globe-News* quoted a Munising police officer as saying that Johnson was then employed by the Munising Telephone Co. and "is a very respected member of the community."

Today, there is no listing for Evald Johnson in Munising, and members of the police department and sheriff's department there had never heard of him. No one at the *Munising News* had heard of him, either.

Efforts to find out what happened to Diana proved futile.

Sheriff Gaither died of a heart attack in November 1972 while still in office. He had a long career as Potter County sheriff, serving from 1949 to 1961 and again from 1965 until his death at age 69.

Miller, who moved to the Panhandle as a toddler in 1889 and moved to Amarillo in 1907, died in October 1958 at the age of 73.

McCarthy, who had served as Potter County attorney in the 1930s, became a noted criminal defense attorney in his own right. In 1959, while defending then-Randall County Judge Roy Joe Stevens against a bribery charge, McCarthy, Stevens and two other men were indicted on charges of conspiracy to commit murder.

The charges were dropped against all four men in February 1959, on the day McCarthy's trial was to start.