



Alan J. Bartels (both)

Dan Noble grew up near the murder site north of Akron. Stories heard in his youth come to mind while visiting the scenic but solemn site.

Case *NOT* closed

Solving decades-old crime would be ultimate honor for fallen Boone County officers

BY ALAN J. BARTELS

THE PEOPLE OF Boone County look out for their own. The escape of the men who killed Boone County Sheriff Lawrence Smoyer and Constable William Wathen near Akron on June 17, 1937, didn't sit well with locals. The state of Nebraska offered \$200 for information leading to the capture of the perpetrators. Boone County commissioners offered \$500. As if the injustice has been passed through generations, area residents – most not even alive at the time of the murders – still want to see justice served.

More than 3,000 people gathered on the Boone County courthouse lawn to pay respects to the victims a few days after the crime. Eight decades later, the community joined on that green grass once again, this time to dedicate a memorial to those men who made the ultimate sacrifice.

Members of the American Legion marched in with the flag and rifles as Patriot Guard riders stood stoically. The crowd bowed their heads in prayer. Boone County Sheriff Denny Johnson spoke. So did Albion-native Nebraska State Sen. Tom Briese. Descendants from near and far arrived to honor men they never knew. With their own identities not important for the solemn ceremony, blue and white name tags simply read "Smoyer" or "Wathen."

Phyllis Smoyer Schroeder grew up in Fullerton and lives in Omaha today. She is a granddaughter of Lawrence Smoyer but never met the man. She remembers her father being proud to be the deceased lawman's son, and how he wished he had been able

to spend more time with him. The dedication of the first marker in the hills north of Akron was closure for him. "We never missed a Memorial Day. Mom would pick a jarful of peonies and iris flowers, and we would head to Albion," Schroeder said. "I think it is so awesome that 13 of his 14 grandchildren from across the United States are here. The people of Albion and Boone County are so amazing for doing this. We couldn't be more grateful."

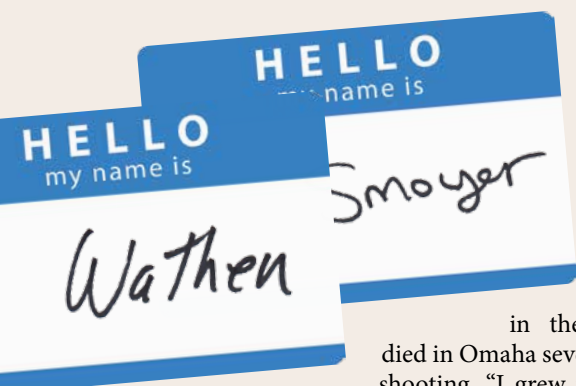
Dan Noble grew up a little more than a mile north of Akron, where his great-grandfather homesteaded. He has heard the stories of when Akron was a thriving community with a store and six nearby schools. A couple of homes, one former school building, the Akron Presbyterian Church and a granite marker dedicated to the memory of the 1880-1980 Akron Store are all that remain. He grew up taking the sandy trail between his home and the murder site to work in family pastures.

"My generation grew up hearing neighbors talk about what happened on that deadly day in June of 1937," Noble said. "I can't imagine how those murderers ended up way out here. It was remote and still is. My folks used to take visiting friends for drives out there, and the scenery would just blow them away."

"I was only 3 ½ years old when Grandpa Wathen was shot," said Donald Robinson, who along with his wife, Alva, made the trip to the dedication from Whitewater, Wisconsin. "My memories of him are few. I do remember visiting him in the hospital before

The crowd
bowed
their heads
in prayer.





he died.” Smoyer was killed instantly in the ambush. Wathen died in Omaha several months after the shooting. “I grew up imagining that I might be the person to finally solve the mystery,” Robinson said.

Seward County Sheriff Jo Yocum would like that. He’s been researching the case since 1992. Career criminals Marvin Cooley and Charles Doody were suspected of the crime. Lack of evidence led to Cooley being paroled from a Colorado robbery sentence instead of being handed over to Boone County. Doody, if he was involved, may have been hit by one of the shots fired by Wathen. He was never found.

YOCUM, A GRADUATE of the FBI’s training academy, has a couple of hot leads that could help close the case. As a result of the first *Nebraska Life* story on the crime, Yocum received a phone call from Doody’s son. The man, who was head of corrections for the state of California for a time, and his sister both believed their father was involved. Yocum’s research shows Doody falling off the grid after the murders but resurfacing a week later in Cheyenne, Wyoming – the same town where the

criminals’ stolen and bullet-ridden Ford car was found abandoned. Another lead Yocum is following will take him to a Nevada museum and a shoulder holster that could yield DNA evidence.

Boone County Sheriff Denny Johnson is an Albion native. He remembers signing the notebook kept in a mailbox at the site of the original marker and seeing the pages and pages of names of the many people who traversed the challenging sand trail to get to the site on privately-owned land.

“Sheriff Yocum is doing a tremendous job showing support for these fallen officers from years past,” Johnson said. “This new monument at the courthouse is long overdue. Our county commissioners were very receptive, and many people dug deep into their pockets to make it a reality. I hope people keep saying prayers out there for our fallen and current officers.”

“I promised Scout Smoyer that I would keep looking,” Yocum said. “The pleading look in his eyes when talking about losing his brother has stuck with me. I’d want somebody looking if it had happened to me. All of us in law enforcement know that when we walk out of the house to go to work that it could be the last time we see our families. We owe it to these men and their families to find the answer.”



Alan J. Bartels



Seward Co. Sheriff Jo Yocum addresses Smoyer and Wathen family members and other visitors in Albion at the dedication of a monument to honor fallen Boone County Sheriff Lawrence Smoyer and Constable William Wathen. Yocum has been investigating the murders since 1992. The dedicated sleuth is turning up new leads in the hopes of solving the cold case and delivering justice eight decades after the crime.

Sandhills murders solved after 80 years

BY ALAN J. BARTELS

The September/October 2017 issue of *Nebraska Life* featured a reprint of the magazine's 2005 "Murder in the Sandhills" story and an update on the investigation of the 1937 murders of Sheriff Lawrence Smoyer and Constable William Wathen in Boone County.

Barely a month later on Oct. 3, 2017 – 80 years to the day of when Wathen died of his gunshot wounds – family members gathered on the Boone County Courthouse lawn for a press conference. Nebraska Attorney General Doug Peterson stunned the crowd when he announced that the case is solved. Marion Cooley and Charles Doody, the suspects named in the *Nebraska Life* story, have officially been declared the murderers.

"Today brings clarity to these deaths and provides justice for these families," Peterson



Nebraska Life story helps deliver delayed justice to murdered Boone County lawmen.



said. "These men died in the line of duty, and we honor the memory of their service."

The announcement lays to rest rumors of mafia revenge or the lawmen being ambushed. Bill Black, Albion native and the state attorney general's chief investigator, told the crowd the criminals were likely searching for stolen goods in rural Boone County when Smoyer and Wathen encountered them. The two lawmen were found gunned down, with their car nearby.

At the time, investigators made plaster casts of tire tracks and footprints. Cooley was caught a year later wearing the exact pair of shoes but was not charged because

he confessed to an earlier robbery, which prevented him from being extradited to Nebraska at the time.

"These guys were just bad men," said Seward County Sheriff Joe Yocum, who investigated the case for decades.

The linchpin that helped solve the case came in 2014 when Yocum received a call from Doody's son in California. He had seen the original *Nebraska Life* article from 2005, Yocum told the Associated Press. "He was convinced that his father was involved in the killing of these men," Yocum said.

The son, who grew up on the right side of the law and worked at the California Department of Corrections, filled in critical details of his father's whereabouts after the shooting. His father died in 1995. Following the call, Yocum and Black, who were working the case separately, joined forces to confirm the son's details and bring the investigation to a conclusion.

"Even though they are deceased, we hold them accountable. Those of us in law enforcement take it personally because Sheriff Smoyer and Constable Wathen were our brothers," Yocum said. "I am relieved that the Smoyer and Wathen families now have a resolution."

Douglas Smoyer, a relative of the murdered sheriff, was at the October 2017 press conference with his wife, Karen, who is kin to Constable Wathen. Their marriage creates a unique emotional bond with the slain lawmen.

"It's over," Smoyer said following the announcement. "Our families have closure, and hopefully the victims are finally at rest."



Constable William Wathen and Boone County Sheriff Lawrence Smoyer were killed in 1937.

STONE AGE CAVES

hold secrets in southwest Nebraska

STONE CANYON HOLDS many secrets. McCook resident Bill Donze has uncovered Stone Age spear points, Native American arrowheads and dozens of feisty rattlesnakes during 43 years of exploring the canyons, cliffs and caves of northern Dundy County. He has also found that Stone Canyon doesn't divulge its secrets easily.

Just getting there is challenging. You can't see the canyon from the road. No signs point the way. The route crosses creeks and cattle guards, and slides through tight turns on dirt trails. If Donze was to give directions to the special spot – which he won't – it would include turning at a mailbox which reads "WARNING", and "follow the cattle trail past the oil rig and into the canyon."

He found Stone Canyon during a ranching career that left his hands

"shot" and his back worse for wear after meeting the business end of a nasty bull. Donze gained the landowner's permission to explore through a handshake agreement with one stipulation. "I can keep what I find as long as I execute rattlesnakes on sight. I killed 23 one day," said Donze, who performs the task armed with a pellet pistol.

Donze is a crack shot. Half a century ago he surveyed similar caves armed with a Red Ryder BB gun while growing up north of Hamlet, where his father was a sharecropper. "I explored everything," Donze said. "There were pioneer trails where Lt. Col. Custer and Wild Bill Hickok traveled. I always had my dog and BB gun with me. What could go wrong?"

Barn-size boulders and caves 20 feet deep lure cave hunters and pesky rattlesnakes. Fine dust on the cave floor hides the deadly reptiles. Scattered stones on the canyon rim once weighted down hundreds of Sioux tipis. Donze offers a 10,000-year-old spear point as proof of more ancient residents.

The people who lived in these caves during the 19th century were still using Stone Age tools, Donze said. He believes they were Apaches chased north by the Spanish. "They'd be on the tabletop during the day watching for enemies. If they could see them coming from two to three miles away, they had a chance of escaping," he said.

"They ate raw meat so smoke wouldn't attract attention. At night heat settled into the canyons, and these people slept in the caves."

The cave hunter shares his southwest Nebraska explorations on his Donze52 YouTube channel, where he gets 150,000 views per month. Is he ready to reveal the location of Stone Canyon? No, he's not telling. It's a secret. 🐮

Southwest Nebraska's caves meant survival for ancient people.

Alan J. Bartels



“Terrible Terry” CARPENTER

The man who built a city,
a fierce reputation and a legacy

STORY BY ALAN J. BARTELS PHOTOGRAPHS BY CHRISTOPHER AMUNDSON

A MONUMENT TO a single man stands in the North Platte River Valley overlooking Scottsbluff, Terrytown and Gering. We’re not talking about Hiram Scott and his namesake bluff. We’re talking about “Terrible Terry” Carpenter. The Terrytown water tower reads a possessive “Terry’s,” which isn’t surprising, as the man built the community of Terrytown from the ground up.

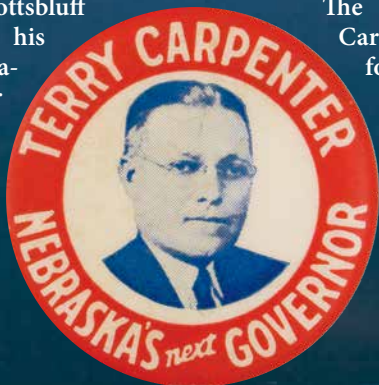
Named after boxing legend Terry McGovern, Terry McGovern Carpenter was always up for a fight if something got in his way. After undercutting big oil companies while running a Scottsbluff gas station and refusing to bring his prices up to theirs, those big companies bought the land out from under him and put him out of business. Temporarily. It was the Great Depression, and local residents, whom Carpenter had always

treated fairly, came together with enough money to help him open another station.

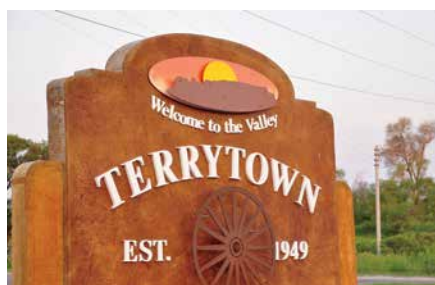
When those corporations tried to keep suppliers from delivering fuel to Carpenter, he built his own 200-barrel-a-day oil refinery and connected it to his station with a rail spur. He brought in crude oil from Wyoming, and when competing stations sold their gas for 20 cents a gallon, Carpenter charged only 5 cents. The battle became known as Carpenter’s Gas War. Carpenter emerged unscathed and with the “Terrible Terry” nickname that he kept as a badge of honor.

The station also sold groceries, and Carpenter accepted produce as payment for fuel and food, which earned him many customers during those tough economic times. He expanded to own several gas stations and later sold his refinery for a hefty sum.

Carpenter ran for political office



Terry's Lake is the heart of the community
incorporated by Terry Carpenter in 1949.



Terry Carpenter was a businessman, military veteran and politician whose formal education ended with the eighth-grade. Terrytown, one of Nebraska's youngest communities, is a residential area wedged between the communities of Gering and Scottsbluff.

at least 19 times. He served as a U.S. representative, Nebraska state senator and mayor of Scottsbluff. As a delegate to the 1956 Republican National Convention, Carpenter, unhappy with the party's choice of incumbent Richard Nixon as their nominee for vice president, rocked the party by nominating a fictional Joe Smith. When Carpenter returned home he opened a bar and named it Joe Smith's.

"Terry Carpenter was one of those guys who had his hands in all kinds of business ventures," Terrytown Mayor Kent Greenwalt said. "He had the drive-in theater and the pizza place, too. He was always looking out for the next opportunity." At times, Carpenter also sold bricks, sand, cream, soda pop and coal. He lost five bids for the U.S. Senate and four for governor, but the successful businessman was a millionaire by his early 40s.

Carpenter owned land between Scottsbluff and Gering, some of it wet ground along the river generally regarded as worthless. He brought in dirt to raise the low-lying area and used sand from his own sand and gravel mine (now known as Terry's Lake) to make blocks for an apartment complex. Terrytown was born. For a time, Carpenter allowed only families with children to live in the apartments. He let the homeless camp in Terrytown for free and paid \$1 per day to anyone willing to move his dirt.

Terrytown officially incorporated in 1949. Mostly made up of homes, a few businesses, the Terry and Hazeldeane Carpenter Intergenerational Center and that water tower, Terrytown is a suburb of both Gering and Scottsbluff.

The town that Terry Carpenter built is the lasting legacy of a politician, World War II veteran and charitable businessman with only an eighth-grade education. There's nothing so terrible about that. 🐾



Platte River REUNION



Spring gatherings of sandhill cranes at the Platte River is an ancient spectacle. Humans congregating to see them is a more recent phenomenon.

Jorn Olsen

Birds and people journey thousands of miles to return to the Platte River Valley

STORY BY ALAN J. BARTELS



The Crane Trust Nature & Visitor Center, above, and Rowe Sanctuary, upper right, are gathering places for humans who love cranes.

WAVE UPON WAVE of sandhill cranes soars in the skies above Gibbon in the scant light of a thin crescent moon. The brilliant purplish-red hue glowing on the eastern horizon foretells of morning snow. An old proverb states: “Red sky at night, shepherds’ delight; red sky in the morning, shepherds’ warning.”

The wintry forecast didn’t deter Erv Nichols, the volunteer shepherding people along a dark trail to the crane-viewing blinds along the Platte River at Audubon’s Rowe Sanctuary. It’s easier to lead visitors to the blinds in the pitch black of early morning, when they track close and have no distractions to capture their attention, Nichols said. His goal? Get to the blinds without spooking the cranes.

The people filing into the blinds had traveled a long way – from California, Wisconsin and beyond – just



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to catch a glimpse of the enormous birds. The cranes themselves, roosting silently just beyond the blinds, were in the midst of an even longer journey.

After spending the winter at roosts across Texas, Mexico and other southern locales, some 600,000 cranes converge each spring along the 70-mile stretch of the Platte River between Grand Island and Kearney, just as their ancestors have done each spring since time immemorial. Nowhere on earth does any crane species gather in larger numbers than in Nebraska. The migration bottlenecks here for a few weeks in March and April before their great reunion disperses, with the cranes departing on northerly flights of as far as 7,000 miles to summer roosts in Canada, Alaska and Siberia.

Nichols is a traveler, too, venturing from his New Mexico home to the Rowe Sanctuary each spring to volunteer a month of his time introducing people to the cranes. The sense of stewardship he feels for the birds is common to the volunteers here.

He and 36 visitors awaited the dawn inside one of the plywood boxes that serves as a blind. A distant roar grew louder as the sun revealed thousands of cranes roosting in the shallow river. “Is that a train I hear?” one person whispered. Nichols smiled – that was no train. “Here come the cranes,” he announced. “Something spooked them downstream. We’ll lose ours, too. Probably a bald eagle.”

The vibrations from thousands of cranes vocalizing and beating their wings into flight reverberated through the blind. Amazed onlookers could feel the cacophony in their chests. An eagle scanning the sandbars for injured prey soon appeared over the cottonwoods, just as Nichols had predicted. Adone

Arnold-Kuehl, visiting from Minnesota with her sister and a friend, was overcome by the experience.

“I sat down and just cried,” she said, reflecting afterward at the sanctuary’s Iain Nicolson Audubon Center. “With so much going on in our world, and not all of it good, this was emotionally overwhelming for me.” And it wasn’t just the awe-inspiring sight and sound of the majestic birds, she said. “That people give of themselves to make sure others can see this bolsters my faith in humanity.”

Aurora Fowler can relate. Her stepfather, Bill Taddicken, is the director at Rowe, and the 18-year-old high school senior grew up on the south bank of the river with the 2,400-acre sanctuary as her backyard. If it takes a village to raise a child, Fowler’s village each spring includes an annually reuniting cast of local and international wildlife enthusiasts. Some of the volunteers have been in her life since she was born, nurturing and guiding her. “I appreciate more everyday how my home is the result of these people caring for cranes, the river and each other,” Fowler said. “Each piece of me, if unwoven like the grass in a goldfinch nest, would lead back to Rowe Sanctuary.”

REUNIONS OF BIRDS and people were taking place all along the Platte River. Just downstream from Rowe, Dave Fehlhafer of Doniphan watched the cranes from Gibbon Bridge. Fehlhafer often collects data on endangered whooping cranes from an airplane soaring over the Platte River, but this morning the flying birds had the aerial view. Joining him on the platform was his friend Michael Heidtbrink, a Nebraska native living in California. Heidtbrink had

never seen the cranes until bringing his family to join his old friend on this frigid morning.

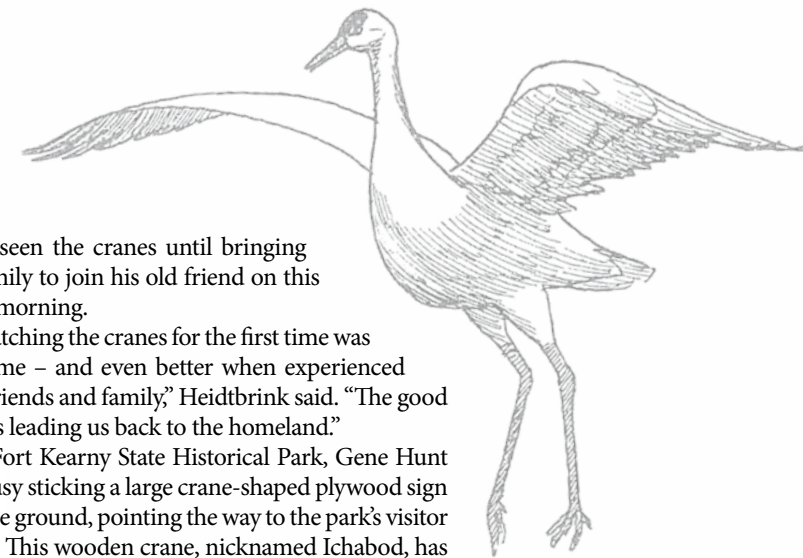
“Watching the cranes for the first time was awesome – and even better when experienced with friends and family,” Heidtbrink said. “The good Lord is leading us back to the homeland.”

At Fort Kearny State Historical Park, Gene Hunt was busy sticking a large crane-shaped plywood sign into the ground, pointing the way to the park’s visitor center. This wooden crane, nicknamed Ichabod, has welcomed crane watchers here since the 1980s. “He is the most photographed crane in the world,” said Hunt, the park’s superintendent. “I see people out there taking selfies with it all the time. I like to go out and take the picture so the entire family can be in it.”

Hunt, one of the pioneers of crane tourism, began leading crane-watching expeditions shortly after he began working here in 1972. “We were doing eco-tours before we had even heard the term,” he said. The Fort Kearny Lions Club Annual Crane Ride began in the 1970s and featured hayrack-ride crane tours on neighboring farms. “We found out that the cranes aren’t scared of tractors,” Hunt said.

Hunt has forged friendships with many visitors in his 45 years at the park. “Some have been coming each spring for years, just like the cranes,” he said.

A few miles downstream, south of Wood River, farmer Larry Woitaszewski has watched crane mania build over the decades. “There was no publicity about the migration when I was growing up,” he said. “Occasionally there might be a little story in the local newspaper. Some weekends we would



All illustrations by Paul Johnsgard

Larry and Anne Woitaszewski’s farm is surrounded by the Crane Trust. Visitors destined for the Crane Trust’s pedestrian bridge get sidetracked taking photos of the Woitaszewski’s spring calves.



Alan J. Bartels



see a few Lincoln and Omaha cars on the dirt roads.”

These days, Woitaszewski lives on an agricultural island in a veritable sea of preserved crane habitat that draws flocks of visitors each spring. The nonprofit Crane Trust owns the land surrounding the 10-acre farm where Woitaszewski, his wife, Anne, and their three children grow corn in the fertile Platte Valley soil. The family also raises Black Angus cattle, whose offspring create an unintended attraction for tourists walking between the Crane Trust’s visitor center and pedestrian bridges. “Having cute baby calves there stops them in their tracks,” Larry said. “There might be 50 people along the fence taking pictures.”

Cheryl Jones works the front desk at the Crane Trust Nature & Visitor Center. Despite growing up in nearby Wood River, she didn’t pay the birds much attention until she began working here. In four years at the center, she has picked up on the enthusiasm of nature lovers who come to witness the cranes from dozens of countries and all 50 U.S. states. Tagging along on crane tours increased her respect for the spectacle.

The Crane Trust’s best loved bird is Bob the whooping crane, who comes back every year, Jones said. “He thinks he is a sandhill crane, and some people come just to see him. He is a celebrity – you can Google him.”

She looks forward to the return of the Crane Trust’s human supporters even more than the avian arrivals. “Our volunteers and staff are like a big family,” Jones said. “Crane season is a family reunion for us.”

Billie Herron of Grand Island, one of 40 people who volunteer at the center, has worked here two or three days a week for the past five years. “I don’t have any family in the area, so these people, whom I love dearly, are my only family,” Herron said. “When we are together we eat, drink and sleep cranes.”

Shiny jewels of lost downy feathers stuck to riverside vegetation glistened as the sun set on another sandhill crane season. Crane tracks on sandbars would soon wash into memory.

Flocks of cranes returning next spring will continue nature’s enduring tradition. A close-knit extended family of people who love the river, the birds and one another will gather nearby for their own Platte River reunion.



Glowing sunsets are golden rewards for visitors braving the frigid weather of winter and early spring to witness the sandhill crane migration in Nebraska. The migration draws people from around the world.

Roy Swoboda

SANDHILL CRANE TOUR

Join *Nebraska Life’s* flock for the spring migration



Derrald Farnsworth-Livingston

SOMETHING ABOUT THE arrival of sandhill cranes to the Platte Valley each spring tugs at the heart of Nebraskans. The migration also pulls in travelers from around the world. We invite you to join the *Nebraska Life* flock and our friends from Moostash Joe Tours for a memorable sandhill crane tour. Here is a summary of our one-time only trip:

On Day 1 we will dine at the Chocolate Bar for lunch and the historic Liederkrantz for supper. In between we’ll tour a vintage theater, learn about wildlife photography and then view sandhill cranes. We will spend both nights at the Best Western Inn & Suites in Grand Island.

Day 2 begins before sunup seeing the cranes wake in their river roosts. After touring the Crane Trust Nature & Visitor Center we will eat lunch in a historic former dairy and enjoy supper in downtown Grand Island.

Day 3 begins with a crane tour on private land rarely open to visitors – have those cameras ready! We’ll sample local treats in Doniphan and visit the Raising Nebraska exhibit at Fonner Park to learn about agriculture.

These are only a few of the many highlights we will experience. Please visit nebraskalife.com/sandhillcrane-tour2017 for a detailed listing of all of our planned stops or to book your seat on the motorcoach. We hope you’ll ride with us to witness one of the world’s most celebrated wildlife spectacles. It happens only in Nebraska.