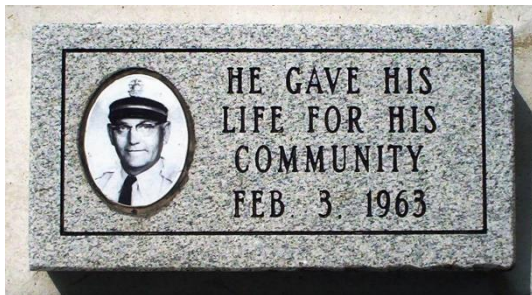


NDPOA OFFICER DOWN MEMORIAL-FRANK PETERSON

by Curt Olson



It's been over sixty years since the city of Rugby said goodbye to a local hero, a policeman that laid down his life to serve and protect his community.

February 1963 was a cold winter in Rugby, ND. The previous year yielded bumper crops for farmers in the area. The local basketball team would soon be defending their class A championship.

At midnight on February 3, 1963, Patrolman Frank Peterson began his tour of duty for the Rugby Police Department. Car #88, a 1962 Chevrolet Biscayne, likely equipped with a powerful small block Chevrolet 283 engine, that delivered a whopping 170 horsepower. We know the vehicle was equipped with an automatic transmission but speculate it would have been equipped with the lowest cost V8 available just because of the conservative nature of most city leaders of that era.

Peterson, a kind hearted man, carried a gun because it was required, but commented to friends that he could never shoot first and for that reason that someday he may, "Get it."

Reportedly a cold, well below zero, snowy night, Peterson patrolled the streets of Rugby, and was flagged down by a trucker along US 2 in Rugby. The trucker reported a vehicle in the ditch a mile back along the highway and suggested the officer go check on the vehicle because he wasn't able to stop.

The patrolman located the car beyond the city limits, stopped and used his flashlight to check the vehicle for occupants. Finding none, he returned to his patrol car.

"Rugby SO this is car #88," Peterson called over the two-way radio.



"Rugby SO, go ahead #88," replied Wanda Miltenberger, the Sheriff's wife.

"I just checked on a vehicle in the ditch on US 2, one mile east of Rugby, no one around; notify #316 to investigate further," the patrolman requested.

"Rugby SO to car #88, unit #316 will be en-route," the dispatcher replied.

Sheriff Walter Miltenberger responded and in turn radioed his wife with license plate number. Concerned for occupants' welfare due to the subzero weather conditions the sheriff asked her to call Bismarck to obtain

registration information. After results were received, she called the owner at home and learned he'd got a ride home from a passerby and he was okay.

The Sheriff returned to Rugby and met up with Patrolman Peterson on his way and invited him to the Sheriff's residence/county jail for coffee and donuts. Peterson formerly worked for Miltenberger as a deputy took the sheriff up on his offer for some hot coffee and a homemade donut, as it sounded good on the frigid night in the Geographical Center of North America.

At 0350, the sheriff said goodbye to his friend, but also offered to go with him if he had any door checking to do. The patrolman said he'd finished his door checks, and thanked the sheriff and his wife for the hot coffee and donuts, and went back on patrol.



Peterson, who worked three shifts per week, covered a weekly day off for the department's three full time officers; Chief of Police Oswald Tofte, Lt. Glenn (Bud) Miller and Patrolman Harold Hoffart. Peterson was reportedly paid a part-time salary \$162.

Presumably the patrolman made his rounds about town which included occasional passes through the business district to include alleys behind businesses.



At five o'clock, Harold Anderson, a local undertaker awoke to a hail of gunshots. Anderson looked out his north bedroom window and saw three figures, and multiple rounds of gunfire in an alley to the south of his residence. He also saw Rugby's police car standing with its headlights illuminated. As the firing ceased, he saw a man that wasn't wearing a uniform enter the police car, moving it, and shutting its headlights off. A short time later, he saw what he

believed to be a black over pink Chevrolet car exit the alley, turning westbound on 3rd Street and disappeared into the night.



Anderson, understandably alarmed after not being able to see the patrolman intended to call Chief of Police Oswald Tofte, but first mistakenly called the Fire Department whose members had fire phones in their homes included police Lt. Bud Miller and Sheriff Miltenberger. After alerting the two lawmen, Anderson did call Chief Tofte who inquired where Frank was at and Anderson said he didn't know.

All three lawmen rushed to the scene, finding their dear friend and co-worker had been gunned down; his body lying face up with his arms resting across his chest. The fallen officer's service revolver was lying on the ground near his body. The radio mic was hanging outside the driver's door window; a common practice that was even taught to this writer in the eighties before everyone had a portable radio as standard issue. The concept was that an officer wouldn't after to get back into the vehicle to call for help if something went wrong. The sheriff who'd seen his friend less than an hour and a half before speculated the patrolman was trying to call him on the radio when he was ambushed. The Sheriff further speculated the patrolman recognized the perpetrator/s and the felt they had to kill him.

The investigation began. It was at first believed that three subjects were involved, however it was quickly deduced that the third subject the witness saw what the slain patrolman. Early in the investigation it was discovered the theater, electrical shop, and power company had all been burglarized by prying open the rear doors. A check of other businesses revealed evidence of burglary attempts. Anderson, the local undertaker, examined the slain patrolman's body, locating sixteen gunshot wounds. A bullet hole had pierced the officer's badge.



Phones rang, as lawmen across the region were awake and deployed to set up a dragnet in an effort to locate the killers; an early Signal 100. The highway patrol quickly mobilized personnel to the area to assist in the search. The border patrol was notified and their airplane was deployed. The Rugby mayor also searched the area with an airplane.

Bureau of Criminal Identification Agent Richard Hilde's phone rang about 6:15 AM. On the other end of the line was State

Radio, telling him that a Rugby policeman had been killed and that Rugby authorities were asking for BCI help in checking the crime scene. BCI Officer in Charge Art Narum had directed the dispatcher to call Hilde and dispatch him to Rugby at once.

Agent Hilde drove from Bismarck to Rugby along US 10 and ND 3. During his trip north on ND 3 checked all vehicles coming from the Rugby area without locating anyone of interest.

Upon arrival, the agent was briefed by the city police chief and learned the slain officer's service weapon, a Colt brand 38 special revolver had been recovered. The gun contained four spent cartridges and one live wadcutter round. Also recovered was a piece of a broken mirror, presumably from a suspect vehicle, as well as a button that appeared to have been torn from a coat.

Hilde interviewed Anderson and took down a detailed account of the witness's recollection of the incident. Primarily of interest was the description of the getaway car. Anderson recalled the shape looked like the car of a resident he knows, but the color was different.

Hilde was later joined by FBI agent Richard Rourke of Grand Forks, as well as BCI agent Dale Granrud. The experienced investigators scoured the crime scene in an effort to locate as much evidence as possible. Of particular interest to the agents was distinct tool marks that could be used for comparison if the prybar was located.



Meanwhile local investigators had organized a posse to search for the killers. The Sheriff directed his posse members to not leave a stone unturned and directed each party to call in every half hour and if suspects were located, if possible, wait for additional help as they are to be considered armed and dangerous.

Two hours after daylight, sheriff's deputies spotted vehicle tracks leaving US 2 onto a narrow section line. Lying in the ditch was a television set and numerous other items that had been stolen in the overnight burglaries. Guns and ammunition were also recovered at the time that had been stolen in recent burglaries in Minot, which prompted the Sheriff to contact Minot Police chief Fred Dobrovlny to alert his officers that the cop killers may be headed back to that city.

On Monday, Minot Police patrolmen Wheeler and Meier reported in that they were checking out a black and red Rambler near Surrey where they'd been stationed for a roadblock. The officers cautiously obtained driver's licenses from Frank Linha and Louis Mattern. Linha told him that he lived in Minot with his adoptive parents. Mattern was from Rugby and was attending Minot State Teachers College. The pair claimed they'd visited Mattern's parents in Rugby to prepare for a friend's birthday party they had planned. One of the patrolmen asked if anything had happened in Rugby during their visit, and Mattern replied that his parent's lived outside of Rugby and they didn't actually go into town. The officers saw the rear seat cushion was missing from the vehicle which sparked their interest.

Original reports from Rugby indicated there were three people involved and Patrolman Meier pressed the two and asked if they hadn't been through earlier with a third person and they denied the same. When questioned further about the seat being removed, the two explained they'd taken it out when they'd moved to their new apartment about a week prior.

Patrolman Meier radioed Chief Dobrovlny about the encounter. The patrolman said the two's story was pretty straight, but added that neither could look them in the eye. The chief asked if they said anything about the shooting and the patrolman passed on that they hadn't been to Rugby proper as Mattern's parents lived outside that city.

Chief Dobrovlny called Chief Tofte in Rugby and asked if they had any information on Mattern. The Rugby chief said that Mattern had reported a minor accident on 2nd street in that city about a week prior and that his parents owned a car dealership and lived on the west outskirts of Rugby.

Chief Dobrovolny radioed Patrolman Meier and asked if there was any damage to the vehicle. Meier reported there was a small dent and a couple of loose bolts where a mirror may have been. The missing mirror caught the chief's attention as the description put out included a missing mirror.

The chief further questioned the patrolman if the missing mirror looked like it had been recently removed. The patrolman replied that it didn't have any rust.

The chief called Harold Anderson and asked him he'd reported the suspect's car had a dangling mirror. Anderson confirmed the mirror was dangling. The chief said, "We better get Sheriff Miltenberger over here right away, as I think we may have a lead on Peterson's killer."

Chief Dobrovolny immediately dispatched a half dozen officers to maintain surveillance on the apartment on 9th Street near the teachers college where Linha and Mattern were staying.

Ward County Sheriff Olaf Haaland and State's Attorney Richard Thomas waited with Dobrovolny for the arrival of the Rugby officers. Pierce County Sheriff Miltenberger, Deputy Smith, Rugby Police Chief Tofte, State's Attorney Conrad Ziegler and the Rugby mayor arrived in Minot early Monday evening.

The Minot chief briefed the Rugby lawmen that Mattern and Linha had returned to the apartment house an hour earlier, but that Linha had walked to a downtown pizza shop, and had been tailed by Deputy Edwin Heilmann. Chief Deputy Herb Yuly and several city officers maintained surveillance on the apartment house and Mattern had not left. Sheriff Miltenberger inquired as to the location of the suspect vehicle and chief told him it was parked at the the pair's apartment.

It was further reported that Minot police detective Captain Ray Lennick had brought in a Minot State sophomore who was a friend of Mattern's for an interview and learned that he'd saw several guns in Mattern's apartment. The friend also said Mattern admitted to stealing one of the guns which was a 22 automatic.

Deputy Edwin Heilmann and Chief Deputy Herb Yuly apprehended Linha and Mattern who were unarmed and didn't offer any resistance.

A subsequent search of their apartment revealed a cache of stolen weapons and other loot from burglaries that spanned the entire region.

The 260-pound Mattern clutched a small stuffed dog. When Sheriff Miltenberger tried to take it from him, Mattern cried out, "You can't have it, it's mine."

Edward "Frank" Linha was taken to the Minot City Jail and Louis Mattern was taken to the Ward County Jail. Both men eventually confessed, but accused each other of being the shooters.

Two days after the killers were apprehended, a funeral was held for Patrolman Frank Arthur Peterson, at 2 PM at First Methodist Church in Rugby. It was reported that nearly forty uniformed law enforcement officers attended the funeral-from as far away

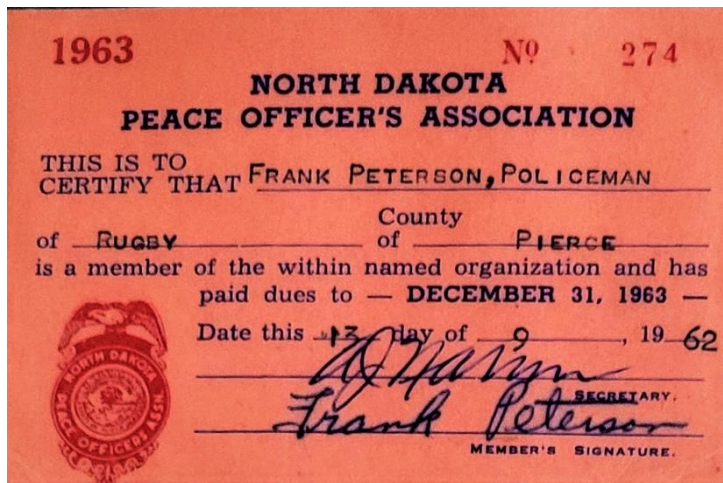
as Grafton, Napoleon and Williston with the largest delegations from the North Dakota Highway Patrol and Minot, Devils Lake and Grand Forks police forces. The church was overflowing and many had to be turned away. Pallbearers included Pierce County Sheriff Walter Miltenberger, Rugby Police Chief Oswald Tofte and Lt. Glenn Miller. The 55-year-old fallen officer was laid to rest at Persilla Watts Cemetery in Rugby.

Both Frank Linha and Louis Mattern pled guilty to murder and were sentenced to life in the state penitentiary. Both men were paroled in 1979 after serving only 16 years for killing Peterson.

Mattern died in 1983, after a natural gas explosion in Minot that killed his mother, instantly. Mattern had been transferred to a Minnesota burn center where he died about week after the explosion. Linha lived the Fargo area where he died in 2013.

Former Rugby mayor Dale Niewoehner had done extensive research on Frank Peterson's murder. Niewoehner purchased a headstone that displays Peterson's uniform picture and reads: "HE GAVE HIS LIFE FOR HIS COMMUNITY -- FEBRUARY 3, 1963." The stone was placed at his grave.

Niewoehner also petitioned the district court to release Peterson's badge from a box of evidence that is still at the courthouse. The badge had a bullet hole, obviously from an exit wound on the victim. Niewoehner made a framed display containing the badge, a medal of valor that was *posthumously* awarded to Peterson, along with a pencil rubbing of the officer's name from the national memorial in Washington DC. He presented the display to the Rugby Police Department and it's displayed at the Pierce County Law Enforcement Center.



The law enforcement center has a binder with information about Peterson's death. Contained therein are the cards contained in Peterson's wallet at the time of his death. At the top is his 1963 membership card to the North Dakota Peace Officers Association. The card was signed by Arthur J. Narum, NDPOA secretary, who was the officer in charge of the Bureau of Criminal Identification at the time of his death.

On behalf of the North Dakota Peace Officers Association, we remember and salute Patrolman Frank Peterson who made the ultimate sacrifice and laid down his life to protect his community over sixty years ago on February 3, 1963.