

New judge in Duluth was prosecutor in Congdon Murders case

By **Joe Kimball** | 02/19/09

John DeSanto, who was appointed today as a new judge in St. Louis County working out of Duluth, was the man who prosecuted Roger and Marjorie Caldwell in the 1977 murder of Duluth heiress Elisabeth Congdon.

In a long, complicated series of high-profile trials and legal maneuvering — which I covered for the Star Tribune — those prosecutions didn't turn out so well.

It was the most infamous murder ever in the Lake Superior port city: The 83-year-old Congdon — partially paralyzed and needing around-the-clock nursing care — was smothered in her bed in the early morning hours of June 27, 1977. Her night nurse, Velma Pietila, was bludgeoned to death on the grand stairway of the mansion as she tried to protect her fragile charge. Immediately suspected: Congdon's adopted daughter Marjorie Congdon Caldwell (now Hagen) and her new husband, Roger Caldwell.

The case, to many, seemed open and shut. The Caldwells were broke, living in Colorado, and had been asking Miss Congdon for money to buy a ranch. Her trustees earlier had cut Marjorie off from the Congdon millions, after the 45-year-old woman blew through large trust funds.

So the police and DeSanto had a motive: greed. With her mother dead, Marjorie and Roger wanted to speed up their multi-million-dollar inheritance, they argued.

Roger Caldwell was tried first. Although no one had seen him in Duluth that night, he was later found with some jewelry taken from the 39-room mansion — called Glensheen — and police found a legal document signed right before the murders that seemed to assign him a goodly share of Marjorie's inheritance.

In a Brainerd courtroom, the case against Roger seemed airtight, except for the lack of eyewitnesses to the crime. But DeSanto pointed out that the dead nurse's car, used for a getaway, was found at the Minneapolis-St. Paul International Airport, and he got a shop worker at the airport to testify that she recognized Roger as the man who bought a suit bag there the morning after the murders. And a thumbprint on an envelope, postmarked the day of the murders, matched Caldwell's print, DeSanto's fingerprint expert testified.

After a three-month trial, Roger was convicted of both murders and sentenced to life.



Soon after, DeSanto filed charges against Marjorie Caldwell. The thinking was that Roger Caldwell would never have planned such a heinous crime by himself and must have been prodded, if not bullied, into committing the murders. He was, by all accounts, a pretty tame fellow, except when he was drinking.

During the year of preparation for Marjorie's trial, I kept in touch with DeSanto about developments, and even went to a Twins game with him.

But when Marjorie's trial began in Hastings, it was trouble for DeSanto almost from the start.

The jury, it seemed, love Marjorie. She smiled and winked at them every morning, and many jurors seemed to appreciate the attention.

And having covered the murders and the first trial, I was surprised to see a name on the witness list: a Colorado private detective named Furman. I called him, and learned that he claimed to have been hired to protect other Congdon family members after the murders — they thought Marjorie was going on a rampage, he said. And he claimed he'd followed Marjorie back to Duluth for her mother's funeral and overheard Marjorie say to someone on the phone: "If I go down for this, I'm taking you with me."

When my story about this was published in the Star Tribune, defense attorney Ron Meshbesh called me to testify in the case. He wanted the jury to hear about this private detective, who when called to testify in court the previous day refused to answer any questions.

DeSanto was furious with me on the stand. He seemed to imply that I'd made up the story, to get more attention for the paper. He even accused me of planning to write a book about the case, and trying to make the case even more controversial than it already was. (I had no plans for writing a book at that early stage, but years later, when the mansion was opened as a tourist spot, I did write the book "Secrets of the Congdon Mansion.")

It turned out that Furman had initially lied to prosecutors, and me. He apparently had never followed Marjorie to Duluth, officials claimed, but said that he had to collect bigger fees.

Meshbesh then broke the case open when his "expert" claimed that the thumbprint on the envelope — which had helped convict Roger — was not really Roger's print at all. And a waitress from Colorado surprisingly testified that she'd seen Roger in his hotel, the morning after the murders. A banker, too, said he'd seen Roger in Colorado the next day, creating a time frame that made it impossible for Roger to have been in Duluth to commit the murders.

Combined with the problems involved in proving a conspiracy, it was perhaps no surprise when the jury ruled: not guilty.

DeSanto was crushed. Then it got worse. Based on the "new evidence" in Marjorie's trial, Roger Caldwell was granted a new trial.

This was a big problem for DeSanto and his team. If Roger should be acquitted in a new trial — and this was all happening five years after the murders, when witnesses were forgetting or dying — the most infamous murder in the city's history would be unsolved.

So DeSanto offered Roger a deal: plead guilty to the murders, and he'd be released from prison with no further time served.

I talked with Roger soon afterward, and he said it took him about five seconds to say: Where do I sign?

So the convicted murderer of Elisabeth Congdon and Velma Pietila was out of prison and back home in Latrobe, Pa., only five years after the gruesome killings. And his wife and accused co-conspirator was never convicted.

Roger later killed himself in 1988, and Marjorie went on to a series of crimes and escapades, including bigamy, arson, more arson and another murder accusation, will be sentenced next month on a forgery charge. But that's another story.

My last encounter with DeSanto came several years ago, when I still worked at the paper. There had been some physical evidence in the murder case — hair and blood — that was tested but didn't produce any verifiable evidence in the case. That was before DNA testing became feasible. So in 2002, I called DeSanto and told him that I'd like to have that evidence submitted for DNA testing. Maybe it would prove the case against Roger Caldwell, or maybe it would point to someone else.

Too bad, DeSanto told me. The evidence is all gone.

Imagine my surprise, a year later, when DeSanto and others published a Congdon murder book of their own. It's centerpiece: They tested the saliva on that envelope Roger had sent from Duluth. It was his DNA, they said.

DeSanto stayed on as an assistant in the St. Louis County Attorney's office until last year, when he retired and went into private practice. He's 62.