

# Vienna's Trial Of the Century

By Gary Knehans

**L**ike thousands of other communities in America, Vienna was a town in transition in 1945. The surrender of Germany in May and the capitulation of Japan in August paved the way for millions of men and women in the military to return to their respective homes and to resume their interrupted lives. Slowly anxieties of wartime were being replaced by anticipation of peacetime. For residents of Vienna, however, a return to normalcy was delayed for a while by a cold-blooded killing that rocked the community to its core.

It happened in the misty early morning hours of December 3rd at a farmhouse a short distance outside of town. First news of the killing came by way of a phone call from Edna Westerman, who told Sheriff W. C. "Bill" Parker that a man had come to their house around one twenty five that morning and had killed her husband, Henry. The woman said she rushed downstairs from their bedroom and found her husband lying in a pool of blood on the porch. She looked around and caught the tail lights of a car speeding away.

Parker arrived at the Westerman house around three o' clock and took statements from her and one of her sons, 15-year-old Gene. The more the two told the officer, the more suspicious he



became. Parker then decided to focus on the boy and brought him into town for questioning. Finally, that evening, the sheriff's aggressive grilling of the boy

produced results. The teenager broke down and admitted that he was the murderer. But there were mitigating circumstances, he said, due to his father beating

him, four younger siblings, and his mother as well.

So, he said, when a family acquaintance, Ben French, stopped by the house

## All Star Express

- \* LOTTO \* PHONE CARDS \* ATM \* BEER, WINE & LIQUOR
- \* COFFEE & CAPPUCINO \* GRILLED HOT DOGS \* SUBS
- \* DISCOUNTED CIGARETTES
- \* CHECK OUT OUR LOW BEER PRICES \*

906 Missouri Ave. • St. Robert, MO.

### 336-7372



1 Large Buffet Style Pizza \$7 <sup>49</sup>	or	2 Large Pizzas for only \$13 <sup>49</sup>
--	----	--

All Toppings - NO Extra Charge  
Call Ahead for Pick-up • Open 7 Days A Week

## Vienna's Old Jail Museum

Now On The National Register.



VISIT VIENNA'S OLD JAIL MUSEUM,  
THE OLD FELKER LOG HOME,  
AND THE LATHAM HOUSE.  
( Hwy. 42, VIENNA.)

Historical Newspaper Clippings  
Prehistoric Mastodon Bones  
Spinning Wheels , Civil War Tombstone  
Pre-Civil War Dolls, Old Photographs  
Lots of Antiques & Artifacts from the 1800's.

Open Sunday Afternoon Sept. 30th. Only or  
Special Tours by Appointment.

Call: Jean 422-6126 or Mozelle 422-3301

Visit the Historical Society of Maries County  
Research Room At Vienna Courthouse  
OPEN EVERY WEDNESDAY 1:00 PM TO 4:00 P.M.



the morning before the shooting, he told the man that his father had been "mistreating" him again. The teenager said that French was sympathetic and arranged a meeting in the barn that afternoon. When the appointed time arrived, the boy said the man appeared and produced a rifle that had been hidden in a stack of hay. Gene said he accepted the weapon and went to the barn around 6:30 that evening with the intention of ambushing his father. According to the Maries County Gazette, the boy's mother then tried to get her husband to go and feed the hogs. He refused to go, saying that they were Gene's responsibility.

Thus thwarted, Gene said that he smuggled the rifle into the house, hid it in his upstairs bedroom, and fell asleep. Awakening around one o'clock in the morning, the boy dressed and went downstairs. He called upstairs to his father and said that someone was at the door to see him. Then, the teenager said he sneaked out the front door to wait in the dark on the porch with weapon in hand. When his father stepped out the door, the boy said he fired a blast into the man's chest. When it appeared Mr. Westerman was just staggered by the shot, Gene then fired a fatal volley into his temple.

"I awoke Pa at about one-thirty in the morning and told him there was somebody at the door to see him," the teenager was quoted as saying by the Maries County Home Adviser. "Then I ran outside and waited for him to open the door.

"When he came, I shot him once and

he turned and went back inside. He fell at the bottom of the steps going upstairs and I shot him again. Ma and Pete (a thirteen-year-old brother) was in the room when I shot the second time.

"We dragged Pa out on the porch and then Ma called the Sheriff. She told them Pa was shot when he answered the door and that she heard somebody driving away in an automobile.

"Ma and Mr. French talked to me often about killing Pa after he came home from Kansas last summer and found the money which he had sent home missing.

"We just talked about it until last Sunday, when Mr. French brought me his .22 rifle and the \$65. At first I was going to shoot Pa Sunday night when he usually went out to slop the hogs, but he went to bed instead. Then, we decided on the other way."

Sheriff Parker recalled an incident at the Westerman farm earlier in the year that suggested the relationship between the newly widowed woman and French might have more than casual. Mr. Westerman had accused his wife of taking \$1200 that he had saved from working at a good paying job out in Kansas. The Westerman boy told the sheriff that his mom had indeed taken the money and gave part of it to French, with whom she had been friendly for some time.

Armed with this information, Sheriff Parker questioned both Mrs. Westerman and Mr. French at length, and they eventually confessed to their part in perpetrating the grisly crime. Prosecuting Attorney

Hamp Rothwell filed first degree murder charges against all three on Wednesday, December 5th. The trio was taken to the jailhouse in Vienna to await arraignment and a trial in the January term of Circuit Court.

The killing quite naturally stirred up considerable talk and anger throughout the Vienna area. Some primarily blamed the youth for committing murder in cold blood. As one report stated, Gene Westerman gunned his father down "like a hog." And it was widely told that the boy described the killing in a very calm, matter-of-fact manner, not exactly the kind of reaction people expected after a crime like this.

There was considerable sympathy for the boy in some quarters. A student in the Vienna schools, he was remembered as a "quiet, shy sort of fellow, and never caused any trouble or confusion." So, there were people in the community that believed that he merely was a victim of manipulation by two scheming adults. Still, that second shot proved extremely problematic. While the first blast from the gun could be blamed on adult manipulation, the fatal shot was harder to accept.

"Local residents are divided in opinion as to what justice would be rendered to the boy in the event he is adjudged guilty," wrote the Maries County Gazette. "The consensus of opinion is indifferent in the case of the ault principals involved. In the boy's case, however, some tend to believe that he is less responsible because

of his age and the fact that the alleged deed could have been at the direction of his elders.

"Others maintain that while the origin of the act, for which the boy is charged, may have begun with his mother and her friend, yet it would take a cold, calculating steadfastness of purpose to eject the spent shell from the rifle, re-dispatch him with a coup de grace. Those in this camp claim that after the first shot, according to the reports, Gene was then on his own."

As controversy continued to build around the case, the murder began to attract state and then national attention. So, when the case finally came up in Maries County Circuit Court on January 28, 1946, curious people poured into town from near and far to eye the defendants and see justice prevail.

"The drama of the courtroom, and the fact that the defendants may be fighting for their lives, is an irresistible experience which many of the surrounding community will not be able to withstand," the Maries County Gazette reported on Jan. 24.

Sure enough, the paper's prediction of a huge crowd was right on target.

"Never before, in all its history, has the quiet little village of Vienna witnessed such a scene as materialize here for the murder trial of Edna Westerman, her 15-year-old son, Gene, and a neighbor, Ben French, on this eventful Monday, January 28th," R. A. Waer wrote in the Gazette.

"One could feel the tense air of

**Dentistry With Care, For The Past 26 Years.**

**GASCONADE  
DENTAL**



**HILLS  
CENTERS**



**We offer the following:**

**United Concordia Provider • Accept Assignment of Benefits**

**Visiting Specialists • Dental Implants**

**Dental Laboratory on Premises**

**Sedation for the Anxious • Relaxed Atmosphere**



**573-336-5563**

**283 B. East Lawn Avenue, St. Robert**



**"A Century of Combined Staff Experience"**

# Clara Ichord

**For State Senator**

**16th Senatorial District**

**"Fighting For Rural Missouri Values"**

**Education** - Clara says, "Parents want to do what is best for their children. But those who are middle-class worry that their children won't have the things they had - while those who are poor fear that their children will. We need to do nothing less than provide all children with a bright and hopeful future."

**Seniors** - Ichord is not afraid to battle big corporate interest to protect our senior citizens, so seniors are able to live healthy and independent lives. Ichord says, "It is shameful that some seniors are forced to choose between food and medicine. We must protect those who need our help."

**Small Business and Agriculture** - Ichord understands that small business and agriculture are the heart of our economy. Decisions of public policy regarding our environment and feasibility of economic development must be amenable to small business and to family farms. Ichord says, "Small business owners and family farmers must be allowed to participate in an affordable, quality health insurance plan. It's time we stop talking about it and do it."

**Rural Missouri Values** - Ichord says, "We must protect the rural values that make Missouri great. Family owned farms and businesses, safe roads, and improved schools are in jeopardy of being lost forever. It's time we had a state senator who protects our basic rights - so our children have good public schools, and so lawful gun owners are free from government red tape."

**A Lifetime of Public Service!**

Ichord is currently self employed as an educational consultant. She holds a bachelor's degree and a masters degree from Drury University, and an educational specialist degree from Southwest Missouri State University, both in Springfield. She worked for the Wayneville School District as a secretary, later taught English and was a high school administrator. In 1998, she received a fellowship to the Principals Center at Harvard University in Cambridge, Mass.

**P. O. Box 155 - Wayneville, MO 65583**

**573-774-3770**

*Democrat*

Photo by Ichord for State Senate Committee, Donna Newcomb, Treasurer



expectancy among the crowd. The court room was packed and overflowing with people spilling out onto the stairs and filling the corridors. Others gathered upon the lawn. A few attempted precarious perches on the window ledge and upon a ladder extended to the second story windows individual countenances were hardly distinguishable in the sea of faces."

Those outside of the courtroom itself could hear little if anything, but they carried on conversations with each other interpreting what they were seeing and discussing various aspects of the case with each other. In the courtroom itself, many spectators reacted rather unusually to the serious business before them.

"It was a most informal session with an almost constant parade of members of the audience threading their way past the prisoners and in front of counsel and Judge," Waer observed.

Young Sam Blair was the judge at the trial. Representative W. H. Holmes was the attorney for the defense. Holmes startled the crowd by stating at the outset that, although he was entitled to compensation for his legal efforts, he was not accepting any money from the defendants.

The three-year-old daughter of Edna Westerman tugged on heartstrings when she tried to give her accused mother some animal crackers. The woman refused to take any of the crackers out of the repeatedly offered box.

Defense attorney Holmes stepped up to tell Judge Blair that he waived the

reading of the arrangement. Ben French then was called forward. After hearing an explanation of the first degree murder charge, the man stated in subdued tones, "I plead guilty."

"A bright shaft of sunlight streamed through the windows on each side of the Judge's bench as Hamp Rothwell, Prosecuting Attorney, began unfolding the story of the dark deed," Waer wrote in the Maries County Gazette.

"The Prosecutor launched into the case against the accused with a description of the deep trust that Henry (Westerman) felt for the new bride, whom he respected and loved," Waer further reported. "The lowly and menial tasks that Henry took--sometimes for as little as fifty-cents a day--to provide for his home. Even so, the additional responsibility of children made it increasingly difficult to provide food.

"Better times came, though, and a small farm was secured. Henry secured a job in Kansas and asked his friend, Ben French, to 'watch out' for his family while he was gone. Henry prospered and saved, sending home a total of \$1315 above all expenses. But, by then, his wife had come under the influence of his friend and she turned the money over to French. A sum of \$65 was given to the boy, Gene, to 'keep still about it.'

"Henry returned to find his wife and money gone. But, he found her, brought her home, and reportedly gave her a thorough beating. A fantastic tale was told concerning the disappearance of the money, but the lower would not prefer

charges against his wife. 'I will go back to Kansas and make more,' he had said.

"Rothwell then clinched the fact of Henry's thriftiness by pointing out that between June and the time of the murder, the husband had put \$1165 in the Dixon bank, \$100 in a Kansas bank, and had \$97 in his pocket."

After the prosecutor finished his presentation by covering the planning by the conspirators to murder the victim and the brutal details of the slaying itself, Judge Blair pronounced a sentence of life imprisonment. He warned that no one should ever attempt to obtain a parole for French. A brief recess allowed Warden W. C. Parker of the state penitentiary to remove the prisoner.

When the court came back into session, another recess was called to allow Mrs. Westerman to "transfer her property on behalf of her children."

After that, the trial resumed with the waiving of the reading of the formal charge of first degree murder. Attorney Holmes entered a motion for a second degree murder plea. But Prosecutor Rothwell would have nothing to do with that, pointing out that "the theory of premeditation left no alternative but a first degree charge." Judge Blair agreed and denied the defense motion.

"For the first time, Rothwell seemed affected by the necessity of his duty to proceed against the woman, but he held fast to the course the law had laid down for him, and a sentence of life imprisonment was also handed down for

Edna Westerman," the Gazette reported.

The prosecutor's emotional state faced an even stronger test as court attention shifted to the fifteen-year-old. Like a sizeable number in the community, Rothwell was conflicted regarding the extent of the boy's guilt in the killing. But he vehemently fought Defense Attorney Holmes' motion to refer the case of the boy to juvenile court. Holmes petitioned the court to delay the trial until the youthful defendant's mental condition could be determined. And the attorney even had the chutzpah to try to influence the boy's sentence.

"No more than ten years, not a day more," he forcefully proclaimed.

The judge must have resented Holmes' adamant admonition. But, if he did, the judge has little time and taste for any resentful response. Like Prosecutor Rothwell, Blair's heart and mind were conflicted over what to do with Gene Westerman, a self-confessed murderer.

"Judge Blair deplored the inadequate means available of dealing with such a problem as the boy's case presented," reported the Gazette. "If the boy's welfare was the only task, a decision could be quickly rendered, but the danger of this would be a lenient example for other boys. Gene has shown dangerous tendencies by firing the second deliberate shot and may be a menace to society." Judge Blair continued, 'I could say now look, see what you did wrong, but I'm going to send you out to Father Flanigan's and you be a good boy. It was decided to

Compliments Of  
**Stephanie Leuthen**  
Pulaski County Clerk

**WOODIN'S**  
BODY SHOP  
1 Mile on Hwy "Y"  
Building Bodies for Over 30 years  
Auto Bodies That Is  
**Free Estimates**  
**573-336-4064**  
Danny Woodin - Owner

**BECHT**  
**PROPERTIES**  
INC.  
The Land Specialists with 30 years Experience  
First Stae Bank Building • Suite 204  
St. Robert, MO  
**573-336-4400**  
Randy Becht Broker/owner  
Debbie Becht Salesperson

**Zeigenbein**  
**FEED & FARM SUPPLY**  
  
Crescent - Purina - Tindle Feeds  
Collars, Leashes, HD Chains, Muzzles, Pinch Collars & MORE!  
Kaytee Bird Products  
• Small Pet & Animal Health Supplies  
Eukanaba - Iams - Science - Diet - PMI - Ivermectin  
Cutter - Rotectin I&II - Houn Dog & Diamond Dog Food  
• Animal Health & Grooming Aids •  
Hillside Drive Waynesville, MO.  
**573-774-6610**

Lawn Care • Carpet Cleaning  
• Janitorial Service •  
Remodeling • Gutter Cleaning  
20 Years Experience • Insured  
  
**CARPET CLEANING**  
For Free Estimates Call Jim at  
**573-774-2798**  
No Job Too Small

**George Berry**  
Appreciates the opportunity  
of serving you as ...  
**Pulaski**  
**County Collector**



try the case here and now."

At this point, Rothwell made Judge Blair's decision considerably easier by moving to have the boy tried on a second degree charge. The judge asked the prosecutor to suggest a fair sentence for a second degree conviction. Rothwell reluctantly suggested "twenty or twenty-five years." Holmes responded by dropping his insistence on a ten-year sentence and suggested that fifteen years would be acceptable.

"One could almost visualize the struggle going on within the public servants of Maries County in their dislike for having to decide the boys fate, their duty to the law, and their natural inclination to be compassionate, reporter Waer wrote in the Gazette.

The judge called a recess for a private talk with the teenage defendant. Sensing an impending dramatic conclusion of the trial, more spectators moved into the courthouse and completely filled the jury box. It was now necessary for Sheriff "Bill" Parker to clear a path to the judge's bench in order to facilitate the murder trial's climactic moments.

Blair filed back in and brought the court back into session. After stating again that he deplored not having another legal way to settle the case, the judge added, "It is the most difficult task I have ever seen while on the bench."



Von Grempe Drug Store in Vienna. Courtesy of the Historical Society of Maries County.

Blair then sentenced Gene Westerman to serve 12 years in the state penitentiary for murdering the boy's

father. He assured the crowd that the boy "would be kept apart from regular prison life, probably being employed in the hos-

pital."

"It is the only practical way in which to dispose of the case," he explained.

## He thinks smells in carpet are interesting. You don't.

*You don't have to hold your nose anymore! Mohawk® Forever Fresh™ with Odor-Eaters™ eliminates odors like pet accidents and food spills automatically!*

**NEW!** MOHAWK®  
*Forever Fresh*  
AN EXCLUSIVE COLLECTION OF  CARPETS

## CARPET SALE!

YOU'VE ALWAYS ENJOYED THE  
COMFORT & PERFORMANCE OF  
MOHAWK® CARPET... NOW  
ENJOY THE PROTECTION TOO!

Starting at

**\$17.64** Includes  
Installation  
Sq. Yard with cushion

### FALCON FLOOR COVERING

109 E. Commercial  
(Next To Lebanon Post Office)  
Fax 417-532-8277  
**417-532-3118**  
1-800-933-6819



Odor-Eaters™ and the Odor-Eaters™ logo are trademarks owned by DOW CORP. incorporated.

## ST. ROBERT GLASS CO. INC.

301 Adams Ave. • ST. Robert, MO

*Serving The Area For Over 40 Years.*

### COMMERCIAL

- Storm Doors - Windows
- Sliding Patio Doors
- Screens Repaired

### RESIDENTIAL

- Mirrors, Furniture Tops
- Thermal Insulated Glass
- All Insurance Accepted



Wendy Salas and Sharon Carriger

### FREE Mobile Service

**1-800-269-4356**

**Mobile Unit**

**573-336-4122**

**After Hours**

**573-336-3680**

Looking for a great gift? Stop by

*Kay's Custom Kandles*

Located inside St. Robert Glass