

The Ultimate Sacrifice

On Saturday July 12th, 1952 what should have been just another beautiful summer day in Wisconsin turned into a chain of events which led to a member of the Merrill Police Department making the ultimate sacrifice after he was shot and killed.

The day started out as any other, Dwight D. Eisenhower was in Chicago about to accept the nomination for president for the Republican Party, and the Merrill Rangers had a huge game at Athletic Park as they welcomed the Chicago Giants.

Before the internet and television the majority of the citizens of Merrill spent their summer evenings at Athletic Park watching the Merrill Rangers, or attending a social such as a dance. Or even a cold beer or two at the numerous taverns, of which boasted a higher number than churches.

Early in the day Joseph B. Weber came through Merrill. On vacation from his job at a ukulele factory in Illinois Weber had stayed with his sister in Thorp Wisconsin for several days before heading out on Saturday morning with a bottle of wine and a .22 caliber pistol he had bought the day before. What brought him to Merrill nobody ever knew, but his driving caught the attention of police officers Leslie "Chess" Kienitz and Elmer Kleinschmidt. They saw Weber driving south over the Center Ave viaduct in the completely wrong way of traffic and stopped him near Club Modern.

Weber; who was forty five years old and listed an address of South Port Ave Chicago Illinois. With no modern testing methods for determining his blood alcohol level Weber, like most arrested for drunk driving was charged with reckless driving. Kienitz brought him to the Lincoln County Jail where he was booked in at 4:00 PM. Although Weber begged to be let out so he could get back to urgent business in Chicago he was held until 7:00 PM. By that time he had slept, and eaten supper. Kienitz collected \$55 from Weber for bond and released him, sober in his opinion.

The Captain of the Merrill Police Department at the time was Elmer Krueger. Elmer was forty years of age and lived at 506 N Prospect Street. He was married to the former Lenore Lemke the daughter of a cheese maker and they had two young children at home, Charles and Sally.

Before being appointed to the Merrill Police Department in 1938 Elmer Krueger worked odd jobs. He helped his uncle with construction work and delivered ice door to door by wagon. Finding steady work on the police department must have been good news for the Krueger household in the waning days of the great depression even though Krueger found his first assignment was walking the beat in Merrill's "bloody sixth ward".

Krueger caught the attention of his boss Chief Hugo Hanig and was well liked by his fellow officers. When Krueger reported to Milwaukee for a pre induction physical during WW II Hanig wrote a letter to the military asking that Krueger receive a deferment due to

the need for his services in Merrill on the Police Department, which the military granted. Shortly after the war Krueger was promoted to Captain of the police force in 1949, the next logical step was Krueger would one day become the chief of the department, something that was not lost on the young couple as they raised their family.

It seemed everyone in town was going to the ball game that night, some place Elmer and Lenore Krueger wanted to be too. But as newly elected members of the local square dancing club Elmer felt it would not look good if they missed the very first dance after their appointment. Thirteen year old Sally Krueger was at Athletic Park, so was her brother seven year old Charles "Chuck" Krueger, although they were with separate groups.

Elmer and his wife Lenore went to the Lincoln School where a dance was being held. The Lincoln School used to stand across from the jail building where Walgreen's is located now.

As the dance was in full swing two women complained that a "drunk" was looking into the open basement windows and trying to talk to them. One of the men at the dance told Krueger about this and he went outside to talk to the man, Joseph Weber. Krueger talked to Weber and Weber left, but a short time later the girls making coffee in the kitchen went up stairs and complained that the man was back at the window.

Elmer Kreie witnessed what took place next. Krueger went outside and spoke with Weber asking him what he wanted. Weber said he was looking for a place to stay that night and Krueger told him he would take him across the street to the jail to "sleep it off". Weber agreed and the two walked across the street together. As they were walking across the lawn Weber took the .22 caliber pistol out of his waist band and fired four shots, striking Krueger three times. Despite his injuries Krueger was able to wrestle the gun from Weber who ran back in the direction of the school. Kreie feared Weber was coming to shoot others at the school and ran inside and warned everyone, this is how Lenore Krueger found out her husband had been shot.

Quick Arrest:

Unable to walk, much less give chase to Weber; Krueger called out for help. His cries were heard by several people including Deputy Sheriff Fred Wissing who, along with two jail trustees were sitting in the sheriff's office listening to the Rangers game on the radio. They heard the shots and ran to help Krueger. The Sheriff was not on duty that night and out of the office, his wife was in the apartment above the jail that was used as the sheriff's home, she heard the shooting and Krueger's shouts and called the city police on the phone.

Alfred Giess, and Roger Neumann both lived close to the jail and heard the shooting; they rushed to the scene and ended up assisting Merrill Police Officer Harry Maurisak take Weber into custody.

Harry Maurisak was a rookie police officer the night Captain Krueger was shot. He was at the intersection of US Hwy 51 and State Rd 17, now known as Center Ave and County Rd G when the radio report went out that there had been a shooting outside of the jail. He was the first police officer on the scene as all the other officers working that night were at the Ranger's game providing security.

Harry related the scene was in chaos when he arrived, Krueger was still waving the gun he took from Weber around. Maurisak took the gun from Krueger. Krueger told him that the man who shot him was the same person they arrested earlier in the day for drunk driving. Giese and Neumann asked if Maurisak wanted help and he told them to get in the squad car. They drove through the parking lot and then onto 1st Street where John Hehling Jr. was waving his arms, he yelled that Weber had gone up by the cars parked on the south side of the school, Hehling was told to get in the squad car so he could point out the car. Weber was found sitting in his car and was arrested at gun point. Maurisak stated that Weber also had a rifle in his car but he did not attempt to use that weapon. Maurisak described the calamity of the scene, and of course the feelings he had with his own captain being the one that was shot, adding, "If someone would have told me to shoot him (Weber) I suppose I would have".

Modern EMS was not even a concept back in 1952, the ambulances in town were run by the funeral homes as they were the only ones in town with cars that would substitute as an ambulance, a call was made to "Taylor's" and their ambulance took Krueger to what was then known as Holy Cross Hospital.

In the meantime in what Merrill Daily Herald columnist Norman Heideman described as the "largest crowd ever to witness a baseball game in Merrill" 3000 people gathered at Athletic Park to watch the visiting Chicago Giants defeat the Merrill Rangers in a 6-3 game. When Sally Krueger walked up to her house she saw her aunt and uncle waiting in the driveway and sensed something was wrong. They took her up to Holy Cross to see her father.

Weber was brought back over to the jail and met by Merrill Police Chief Hugo Hanig who had come to the scene of the shooting from the ball game. The Chief and then District Attorney Donald Schnabel questioned Weber. The paper quoted the pair as saying they "gave it up as a bad job" meaning questioning the intoxicated Weber was useless. Although Hanig later testified he was not sure if Weber was drunk or insane, describing him as a "rum dum" in court testimony.

The Monday edition of the Merrill Daily Herald told the city what they already knew, Captain Krueger had been shot and Weber was in custody. Weber was brought before Judge Max Van Hecke who set a cash bond of \$20,000 after Weber was charged with "assault with the intent to commit murder". When Weber sobered up he had an interesting tale. He told police that he had a dream recently where he was involved in a car accident and it would result in costing him a lot of money, that dream according to Weber came true. He then had a dream that he would kill someone, he actually acted surprised when he was told Krueger survived the shooting and he only struck him three times after

shooting at him four times. The paper described Weber as being remorseful crying at times as he talked about the shooting. He told police he kept the gun in the glove compartment of his car but took it out before going over to Lincoln School.

Weber was more than cooperative when it came to providing details of the shooting. He was brought from the jail to Lincoln School and retraced his steps. He even provided a statement which Hanig wrote and Weber signed.

Optimism for recovery:

By the Monday after the shooting the paper expressed hope that Captain Krueger would make a recovery. "His condition, while still serious, is reported much improved today, and it is believed that he passed the crisis." Dr. Erling Ravn Sr. described the injuries he found when he arrived at Holy Cross Hospital that night. He told the court during Weber's trial that one bullet had entered just to the right of his belly button, while the second struck the right knee and fractured the femur, and the third went in below the left knee shattering the tibia. He told how he arrived at the hospital within a half hour of the shooting and started a blood transfusion flowing and gave Krueger morphine to dull his pain.

Two more surgeries followed, during a week that Lenore Krueger described as a roller coaster for the family. Numerous family members visiting and stayed in the hospital room as Krueger fought for his life. Sally Krueger, a student at the junior high school and Chuck a student at Franklin School were by their father's side as well.

Tuesday paper still had the story above the center fold and noted that Krueger was making "daily improvement". Local radio DJ Lavern "Chuck" Summers was working for WLIN Radio in Merrill touted a fund drive for the Krueger family. Under Sheriff Fred Brunow and prominent Merrill businessman L. A. Donoghue led the fund drive with Summers asking as its spokesperson. The paper noted that even though his condition was stable it was expected Krueger would be in the hospital for four to six months recovering from his injuries.

By Wednesday the paper update on Krueger was smaller and on the bottom of the front page, it stated that Krueger was "restless" after undergoing another operation for an hour and a half on Tuesday, he made it through the surgery but was in a lot pain. Thursday paper said the fund drive for Krueger was going well and his condition had been called serious. On Friday he was termed "slightly better".

“Captain Elmer Krueger is Dead!”

The Saturday edition of the Merrill Daily Herald included the above headline complete with explanation point. It told how Krueger died at 1:52 AM Saturday morning with his family by his bedside along with Officer Harry Maursiak and the Rev. Walter Vogelmann from St. Stephens United Church of Christ.

Lenore Krueger said no one really expected Elmer to die, but it was obvious he was not improving. The only time anyone spoke of his possible death is when Elmer said to Rev. Vogelmann “I want to go home” to which Vogelmann replied “I think you will be going to your heavenly home soon”.

Maurisak went up to Holy Cross early Saturday morning because he was going to give Krueger a shave. When he walked in the room someone told him that Krueger was resting, Maurisak reached out and felt his foot and noted it was very cold to the touch, he replied “I think he is doing more than resting”. He related that they called for a doctor and the doctor tried giving him a shot to re-start his heart but it was much too late.

The exact cause of death according to Doctor Ravn was “peritonitis and paralytic condition of the bowel”. In layman’s terms his internal injuries were too serious to easily fix in 1952 and he died from the infection that followed.

The paper went on to include a statement from Police Chief Hugo Hanig which he delivered with a “voice marked with emotion”: “Elmer was always an excellent officer. He had a keen mind and was a conscientious worker, willing at all times to carry more than his share of the burden. He was a faithful public servant, carrying out all of his assignments to the best of his ability, a born leader and shining example for the younger officers. Words alone cannot express our sorrow on Elmer’s passing. His loss is keenly felt by all who knew him”.

The front page of the paper on Monday included an editorial, it called the cities police officers “guardians of peace” It told how policeman are truly on duty 365 days per year and Krueger could have just phoned the office to take care of the intruder at the dance, yet he handled the matter on his own. “Captain Krueger represented the law. He didn’t stop because he was off duty. The laws to him must be enforced twenty four hours a day. He proceeded to take the man to jail. The call of duty cost him his life when the intruder whipped out a gun and fired four shots. Captain Krueger could have gone to a telephone and called an officer who was on duty. Captain Krueger could have sat back and said that he had put in his week. Captain Krueger was not that kind of an officer.” The editor went on to remind the readers that Captain Krueger was no different than the other officers who patrolled Merrill and told them of the dangers they faced every day.

Captain Krueger’s body was brought to the Taylor Funeral home. From there a public visitation would be held starting at noon Sunday July 22nd through Tuesday morning where a private funeral would be held for his family. Krueger’s body was then brought to

St. Stephens United Church of Christ where a visitation was held from noon until 2:00 PM when Rev. Voegelman would conduct the service.

“Impressive” Funeral

The reporter who wrote of the funeral in Wednesday July 23rd paper was clearly wowed by the sight. The headline stated “Impressive Rights Held at Funeral of Police Captain” and used the word impressive a short time later to describe one of the “largest funerals held in this city”. Not only members of Krueger’s family and his friends attended, but an estimated seventy five officers from all over the state of Wisconsin including, Minocqua, Eagle River, Tomahawk, Wausau, Marathon County, Antigo, Steven’s Point, Rhinelander, Appleton, Oshkosh and a numerous members of the “state traffic patrol”.

Harry Maurisak though 89 years of age still remembers the funeral of Captain Krueger. He served in the honor guard that day. When asked what he remembered most about the funeral he quickly mentioned the number of officers from around the state that were there, but it seemed he did not want to dwell too much on that day in the fifty two years that have passed since.

Pallbearers were Krueger’s fellow officers, they included George Severt, Ed Slewitzke, Ed Martinson, Elmer Kleinschmidt, Harold Kniess, and Leroy Schmalfus. Officer Lawrence Riemer served as an usher at the church while officers Gerald Plautz, Herbert Buschel, Leslie Kienitz, and Maurisak served as members of the honor guard who stood over Krueger’s casket.

Numerous former members of the Merrill Police Department attended the funeral along with local dignitaries.

After the church service a procession of squad cars led by Chief Hanig escorted Krueger to his final resting place in what was known then as “Merrill Cemetery”, now Merrill Memorial Park.

Trial of a Cop Killer

It took some time to bring Joseph Weber to trial, but it did not take long once it began. After the death and funeral of Krueger the city and police department moved on, the county fair came and went, John Odegard was hired to fill the vacancy in the police department created by Krueger’s death. An officer hired in today’s modern age will have their name in the local paper along with the academic credentials and prior police experience, the Merrill Daily Herald noted on his appointment that Odegard was 6’0, 190 pounds and worked at the Anson and Gilkey Company prior to being hired.

On November 13th, 1953 Marathon County Judge Gerald J. Boileau a former member of the United States Congress presided over the trial in Lincoln County Court. District Attorney Don Schnabel represented the state of Wisconsin while defense attorney’s C. B. Wurster and George C. Curtis provided defense counsel to Weber. The defense waived Weber’s right to a jury trial, instead Judge Boileau would rule on his guilt or innocence.

Ches Kienitz and Elmer Kleinschmidt testified about the early arrest of Weber for drunk driving and Dr. Ravn spoke about the wounds that Krueger received in the shooting. Next several men who saw Krueger and Weber walking across the street to the jail house from Lincoln School testified that Weber went along peacefully and Krueger did not strike push or shove him as they walked to the jail.

Chief Hanig's testimony was the most challenged of any witness. The statements that Weber gave the day after the shooting were called into question. It was through the thorough work of DA Schnabel that the court found all statements given by Weber were done without any wrongdoing and with Weber's knowledge that his statements could be used against him in court.

Hanig was grilled on the fact that he did not think Weber was intoxicated when he saw him Saturday night in the jail, yet a blood test done about three hours after the shooting showed that his blood alcohol content was .259. Hanig did relate that Weber knew that even though Krueger was not in uniform that night he knew he was a police officer and stated he even thought it was the same cop who "pinched him" earlier in the day. Although Krueger was not one of the arresting officers the two encountered each other when Weber was brought to the police station after his drunk driving arrest.

Testimony also showed Weber spent over \$7 in between his release from the jail at 7:00 PM and his arrest at 10:00 PM. It is doubtful that Weber bought dinner as he was fed in the jail, but instead he did admit visiting one tavern describing it being close to the rail road tracks.

Joseph Weber took the stand in his own defense. He testified that he never said or did any of the things he found in his statement to police the day after the shooting. His claim was that he was walking back to his car when someone came up from behind him twisted his arm around his back and started walking him across the street. Weber claimed Krueger never spoke to him, nor did he even see who he was. As they were nearing the jail Weber said his pistol started falling out of his waistband, he reached to prevent it from falling when the man who was behind him holding his arm suddenly was in front of him trying to take the gun away. Weber said in the struggle for the gun it fired, three times; yet he did not pull the trigger on purpose.

It seemed the other part of the defense's case was that Krueger was too intoxicated to know right from wrong. Doctor Millenbah had been called to the jail house on the night of the shooting to examine Weber, it was he who took his blood sample which had to be driven to Madison for testing. Millenbah testified he did not think anyone with that high of a blood alcohol level would be able to form criminal intent. But DA Schnabel pointed out that the next morning he was coherent, something an experienced drinker would be used to. A novice on the other hand would suffer much of the next day after consuming so much alcohol. Schnabel also pointed out if Weber was so intoxicated that he could not tell right from wrong how come when he ran from the scene he stopped at Center Ave and waited for traffic to clear before he crossed the street?

The next day the trial was over. Judge Boileau pointed out he did not buy the court room tale told by Weber. He stated the story he told the day after the shooting matched all the witness statements. He further cited a supreme court ruling which noted that being drunk is not a defense to a criminal charge of murder. He found Weber guilty of the highest charge, first degree murder. He sentenced Weber to life in prison. What took over a year to bring to court was done in less than a day and a half.

Prison Life and Parole:

My Dad was the historian for the Merrill Police Department for many years. In 1983 when the city was celebrating its centennial my Father spent countless hours on researching the history of the police department. The story of Captain Krueger being shot was brief, but it noted something odd, after being sentenced to life in prison Krueger escaped from prison and was never heard from again.

When I discussed this with Captain Krueger's family this surprised them, they thought he had served out his sentence. In doing some research a one page document in the basement of the Lincoln County Court House was the last page in the file on the case of Joseph B. Weber. In a letter from Ralph C. Collins a member of the Wisconsin State Parole Board to now Judge Donald E. Schnabel it was explained "He was released from prison on June 1st, 1964 after serving eleven years, six months and seventeen days of his life sentence. He will remain on parole for the rest of his life unless he receives executive clemency." The letter went on to tell how Weber had trouble adjusting to prison life but in time became a "conscientious and dependable worker. During the entire period of incarceration he received only two conduct reports and those were very minor and resulted in reprimands." It sums up "although the death of a young police captain is indeed tragic, I think there is some consolation in the fact that it appears Mr. Weber, who is now sixty years of age is being restored to useful citizenship."

Weber went to Thorpe Wisconsin upon his parole. According to records from the department of corrections he lived there incident free until he died on July 22nd, 1980, twenty eight years and three days after Captain Krueger died.

Life Goes On

Lenore Krueger and her two young children moved on. She remarried and the children completed their schooling in Merrill, married and blessed Lenore with grandchildren and now great grandchildren. Lenore Ehlert lives comfortably at Park Place in Merrill, at the age of ninety two she remembers the night of the shooting vividly, although both her and her daughter confess what took place after that is a blur.

Lenore's second husband owned a laundry mat and she took care of that for many years. She also took a job working for Doctor Dan Rajek Sr. Despite losing their dad at such a young age Sally and Chuck remained good children according to their mother. Sally married Gay Oberg and now lives in the Town of Merrill, Chuck married Maripat and

lives in Menominee Wisconsin. Lenore credit's her family and a close friend in helping raise the children in the wake of Captain Krueger's death.

Lenore said the death of Elmer was particularly difficult on his parents. Elmer was their only child and they took his death quite hard. Carl Krueger, Elmer's dad actually visited Weber in the county jail and asked him why he took his son's life, to which he replied "I just felt like killing someone".

The decedents of Elmer Krueger keep his memory alive with memento's from his life and career. Copies of newspapers, a certificate from some advanced training he received from the FBI, and of course thoughts of long ago and a young man who was taken much too early in life.

On May 14, 2010 a memorial was dedicated on the lawn of the Lincoln County Safety Building near the spot where Elmer was shot. Many members of his family attended the memorial service along with active and retired members of area law enforcement. Wisconsin Attorney General J. B. Van Hollen was a guest speaker for the event which was attended by over one hundred guests. The monument that marks the scene of the shooting and Krueger's sacrifice was funded by donations from the Krueger Family, active and retired members of the Merrill Police Department, and the family of Michael J. Caylor Sr.

The above story was written by Mike Caylor Jr. and was published in the Merrill Foto News in January of 2010.