

1983 Assembly Bill 1142

Date of enactment: April 20, 1984  
Date of publication: April 26, 1984

**1983 Wisconsin Act 312**

AN ACT to authorize and direct expenditure of \$85,260.28 from the general fund for payment of a claim against the state made by Francis Hemauer.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1. Claim against the state.** There is authorized and directed to be expended from the appropriation under section 20.505 (4) (d) of the statutes, as affected by the acts of 1983, \$85,260.28 in payment of a claim against the state made by Francis Hemauer, Conover, Wisconsin, for wrongful imprisonment during the period from September 28, 1972 to April 8, 1981, in connection with an attempted murder, rape and abduction on October 15, 1968, of which he was innocent. Acceptance of this payment operates as a full and complete release to the state for any claim arising from damages or expenses incurred by the claimant as a result of this incident.

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Milwaukee Journal, Dec 11, 1977

<http://news.google.com/newspapers?nid=1499&dat=19771211&id=WsaAAAIBAJ&sjid=hikEAAAIBAJ&pg=6980,215297>

## Data Challenge Rape Conviction

by Alex P. Dobish  
of the Journal Staff

A Chilton bank cashier has found a copy of a check that supports statements that Francis P. Hemauer was in Fond du Lac on Oct. 12, 1968, when a jury said he abducted and nearly murdered a girl here after raping her.

Because of the check, Dist. Atty. E. Michal McCann is re-examining the conviction. McCann and Deputy Dist. Atty. Lee Wells will go to the Chilton area in the Fox River Valley Thursday to question persons concerning the check and possibly ask them to submit to polygraph examinations.

The check is one of three new developments.

The first is a finding by a widely known psychiatrist, Dr. Bernard S. Schaeffer, after an examination of Hemauer, that it was highly unlikely that Hemauer committed the assault. Earlier a state psychiatrist said the same thing.

### **Passed Test**

Second, Hemauer has passed a lie detector test in connection with the Terri Lee Erdman rape-slaying, which led to his arrest for attempted murder, rape and abduction in the case in which he was convicted.

The third is the discovery of the check.

Hemauer, 54, was convicted on Sept. 28, 1972, for the stabbing attack of a girl, then 15, who survived. The crime occurred nearly four years before that, Oct. 12, 1968. He is serving a 60 year term.

A maintenance man responsible for 80 apartments here, Hemauer was arrested Aug. 5, 1971, during the height of a police search for the killer of the Erdman girl, also 15. Her body, stabbed 50 times, was found June 24, 1971. The case remains unsolved.

### **Developments Cited**

An investigation by a Milwaukee Journal reporter and Atty. Robert E. Henke, of Neenah, who did not represent Hemauer at his trial, has raised the possibility that Hemauer may be innocent. Up to the recent developments, the investigation found that:

While in prison, Hemauer passed two lie detector examinations in connection with the crime for which he was behind bars. He also passed a polygraph examination in connection with the stabbing slaying of [19 year old] Diane Olkowitz, in a Menomonee Falls factory in 1966. That slaying, too, was in a series of unsolved [.....] murders or assaults that occurred here in the late 1960s and early 1970s.

The victim in the Hemauer conviction, now 25, indicated that she was not positive of her identification after being told Hemauer had passed a polygraph examination.

An eyewitness who testified that she saw Hemauer at the Capitol Court Shopping Center where the 15 year old was picked up by the attempted rapist erred. She referred several times to a picture handed her by Henke as that of Hemauer. It was not.

McCann agreed not to contest introduction of a polygraph finding of Hemauer's innocence in any proceeding to free Hemauer.

However, McCann stressed that he did not support reversing Hemauer's conviction at this time. Under law, the state must agree to the introduction of the results of a lie detector test before it can be used in court in a request for a new trial.

### **Statement Supported**

The discovery of the check supports statements of Hemauer's daughter and son-in-law that Hemauer was in Fond du Lac during the early afternoon of Oct. 12, 1968, when the 15 year old was abducted from the shopping center parking lot.

The two, Charles and Susan Lisowe, of Quinney, about six miles west of Chilton, told the reporter that in 1972 they informed Hemauer's attorney that they had talked with Hemauer in Fond du Lac on the date they bought a trailer home. They had asked him to come along, but he had declined because he was moving furniture, they claimed. They said they had no way of proving the date.

At the time, the Lisowes said, the defense lawyer told them "to forget it" because he had already notified the prosecution he was going to use an alibi - that Hemauer had been duck hunting that day - as a defense. Besides, testimony without proof from relative often has little influence on a jury.

The inquiry by the reporter and Henke spurred the Lisowes to find ways to prove their belief. A search of their files and those of the trailer firm produced no results. Records had been thrown away because so much time had elapsed.

So last month Lisowe sought help from Richard Hackbarth, a cashier at the Commercial Bank of Chilton, where the Lisowes had a checking account in 1968.

Hackbarth said he examined the bank microfilm of 1968 transactions and finally found a copy of a check. It was dated Oct. 12, 1969 [sic], and made out to the trailer firm indicating a payment on a house trailer. He turned it over to the Lisowes last week.



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## CBS Evening News for Wednesday, Apr 08, 1981

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#### Summary:

(Studio) Report introduced  
REPORTER: Dan Rather

(Milwaukee, WI) False imprisonment of Francis Hemaueur in 1972 on rape conviction reported [Deputy district attorney Lee WELLS - says new tests indicate he wasn't the rapist.] Evidence presented to Judge Maurice Holds clearing Hemaueur explained. [HEMAUER - wants to walk in the woods.] Amt. spent by his family to get Hemaueur free mentioned. [Bro. Clarence HEMAUER - notes inability to make up 9 years of brother's life.] Reality that had Hemaueur's blood type matched that of the rapists, despite his innocence, he would still be in prison cited.  
REPORTER: Don Webster

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**Teaching Aristotle may bring suspension**

ROCKVILLE, Md. (AP) — A hearing examiner has found a high school teacher guilty of "willful and deliberate" insubordination and recommended he be suspended for giving his students the chance to earn extra credit by reading Aristotle and Machiavelli.

Joseph Sickness recommended on Tuesday that the Montgomery County Board of Education suspend Cyril Lang without pay for one semester for defying principal Anita Willens' order to stop teaching unapproved works by the two writers. A final decision by the school board likely will follow a round of oral arguments next month.

The wealthy county near Washington has long prided itself on its school system. The dispute centers on whether Aristotle's "Poetics," a treatise on the nature of tragedy, and Machiavelli's "The Prince," a classic on political strategy and statesmanship, are germane to the 10th grade English curriculum.



CYRIL LANG

Lang, 55, has long supplemented his classes on Shakespeare with the two works, although a committee of five English teachers and a supervisor found they were "too abstruse for students at that educational level," according to superintendent J. Edward Andrews.

Both Lang and school administrators agreed the works had been suggested only as supplemental readings for students who wanted extra credit. But officials said those students reported on the books to the entire class and test questions last June referred to the "Poetics."

Several parents complained that Lang's assignments were too difficult and went beyond the curriculum. And when Lang ignored repeated requests to stop using the material, school officials took action.

Lang, who says he wants to raise standards, has claimed that teachers have the academic freedom to add unapproved books and that they fit into the curriculum. But Andrews wrote to him, "Either we have a public school system and we have accountability to the public that supports it or we have 6,000 teachers out there doing whatever they want to do."

But Lang contends his "students were learning. They wanted it. When you tie a teacher's hands, you produce a sterner educational environment. When a curriculum puts a ceiling on standards and learning, that's the culprit, not the teacher."

Lang has been on leave with pay since August.

**Man unjustly jailed is finally set free**

MILWAUKEE (AP) — The attorney for a man who was freed after 8 1/2 years behind bars for a rape he didn't commit said yesterday his client is "very concerned about starting out all over again, at age 58 with absolutely nothing."

Circuit Judge Marvin Holz on Wednesday overturned Francis Hemauer's 1972 conviction for rape, attempted murder and abduction. The prosecution moved for dismissal after blood tests showed Hemauer could not have been the man who attacked a 15-year-old girl in 1968.

Hemauer, a former carpenter, sobbed with relief when the ruling was announced, and was immediately surrounded by family members.

"I am so overwhelmed I don't have much to say. Ask me in a year — maybe I'll be settled down by then," he said before heading for his sister's home in Appleton, 60 miles north of Milwaukee.

Hemauer, the father of four grown children, was born in Stockbridge, one of 15 children of a southeastern Wisconsin farm family. His surviving brothers and sisters pooled their resources and spent \$12,000 on investigations and legal fees in their nine-year effort to have him freed, said brother Robert Hemauer, 62, of Plymouth.

Hemauer was convicted in 1972 after a teen-age girl identified him as the man who four years earlier had forced her into a car, raped her, stabbed her 30 times and left her for dead. Judge Herbert Steffes sentenced him to 60 years in prison.

Now, he seemed intent on freedom's simple pleasures: reuniting with his family and taking a walk in the woods. "I haven't touched a tree in a long time," he said.

After some time to rest, Hemauer probably will seek work, attorney Thomas Fox said.

"I think he just wants to think about what he can do. He surely wants to get back into doing something productive, and try and recover his life," Fox said.



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Title:

Polygraph - Still Lie Detecting After All These Years? - Part 2

Journal:

*Social Action and the Law* Volume:8 Issue:1 Dated:(1982) Pages:11-17

Author(s):

S Sandowsky

Date  
Published:

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Annotation:

The lie detector must be used cautiously by well-trained, ethical, and objective individuals who recognize its limitations and dangers to the innocent due to the incidence of erroneous readings.

Abstract:

Lykken, Raskin, and other experts continue to debate the value of the lie detector. Although laboratory studies tend to support the theoretical basis of lie detection, the accuracy of determining who is lying under valid examination conditions is subject to question. Raskin claims over a 90-percent correct assessment of lying, whereas Lyken claims the correct figure is closer to 72-79 percent. Both agree that errors do occur, and when they do, they are more likely to be false positive than false negatives. Raskin questions the impact of polygraph testimony on juries, as many juries have reached verdicts in opposition to lie detector findings. Because of the false positive problem with readings, Raskin asserts that more credence should be given to a test result indicating that a subject is telling the truth than to one which indicates he is lying. Lykken points out the efficacy of having different examiners evaluate the same polygraph results. Lykken also argues that subjects can be taught to 'beat' the test. Despite these problems, the use of the lie detector has resulted in justice for the falsely accused, as in the 1972 case of Francis Hemauer. New scientific instrumentation resulted in reinvestigation of the case years after Hemauer's conviction, and the findings completely exonerated him. A nine-entry bibliography is provided.

Index  
Term(s):

Polygraph techniques; Polygraphs; Psychological research; Psychological stress evaluator; Testimony



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# Francis P Hemauer (1923 - 2005)

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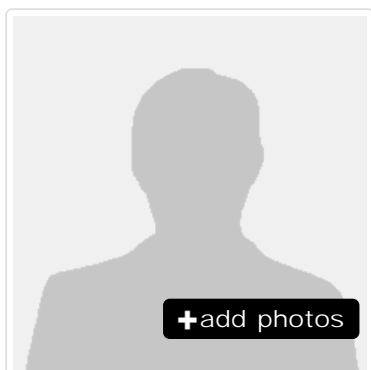
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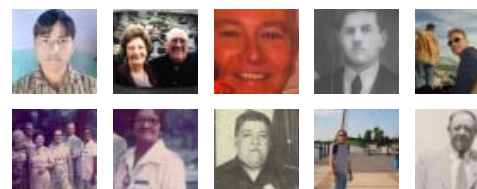
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## FRANCIS P HEMAUER'S BIOGRAPHY

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Francis P Hemauer 1923 - 2005 was a member of the Hemauer family. Francis was born on March 23, 1923. Francis died on April 24, 2005 at 82 years old.

Francis P Hemauer's last known residence is at Appleton, Outagamie County, WI (Wisconsin) 54911.

We were able to [locate](#) a [death record](#) for Francis P Hemauer in the [United States Social Security Master Death Index \(SSDI\)](#). This death record has been verified by a family member of the deceased. This data can be considered very accurate.

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