



**David A. Clarke Jr.**  
**Sheriff**

*County of Milwaukee*  
**Office of the Sheriff**

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Constitutional Sheriffs and Peace Officers Association

June 3, 2014

The Honorable John Chisholm  
Milwaukee County District Attorney  
Safety Building  
821 W. State Street, Room 405  
Milwaukee, Wisconsin 53233

Dear Mr. District Attorney:

It is apparent by the tone of your response to my request, that you are feeling a bit angry. No doubt, this is from the pressure that you brought upon yourself by starting a time- and resource-consuming investigation targeting Governor Scott Walker and groups engaged in free speech political activity protected by the First Amendment. Federal Judge Rudolph Randa's ruling gave you an out, but you weren't smart enough to take it. Not many people get to press the reset button when they bite off more than they should, but incredibly, you passed.

I got about half-way through your bloviating about things that have nothing to do with what we are talking about, which are social engineering experiments with defendants who have been arrested for FBI Part I crimes, and my request for you and Judge Kremers to temporarily suspend these programs while we study the results. These deadly experiments wreak havoc on black residents by using black neighborhoods as testing labs, and they ethically and morally resemble the use of human subjects in the Tuskegee experiments that began in 1932.

I stopped reading when I got to the part where you agreed to some sort of independent study to review the past five years of these deadly policies, which are visited upon innocent people. Thank you for agreeing to even that. I wonder how many more innocent lives will be lost or devastated as your cruel experiments continue, and whether you and Kremers have even considered that point.

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You have been so busy pursuing political adversaries that one could forgive you for being detached from what matters to law-abiding citizens in crime-ravaged neighborhoods. The resources questionably spent on your continuing witch hunt (the costs for which you could not tally for the public) could be spent going after local crime, that real people in Milwaukee County live with on a daily basis. But what do I know? I'm just a cop.

I do feel a need to defend the men and women of the Milwaukee County Sheriff's Office, who put on the uniform every day and risk their lives to serve their community. Prosecutors do not experience that. I have been doing so for 35 plus years, and have investigated everything from a barking dog complaint, to serial killer Jeffrey Dahmer, and everything in between.

You, Kremers, Barrett and Abele, attend the Milwaukee County Law Enforcement Memorial Ceremony honoring the officers who gave their lives in the line of duty. After reading your diatribe disparaging the service of the men and women of my agency, I now know what I have always felt about you phonies as you feign understanding the dangers officers deal with every day: You only tolerate law enforcement officers.

I will not be lectured by a suit-wearing prosecutor who gets to see the creeps we drag in, long after we have rolled around on the ground and fought with them, been spit on and injured in the process. That includes in the jail, counselor. You get to be a Monday morning quarterback and second guess the actions of well-intended officers. You first see perpetrators in court, clean-shaven, their hair cut, wearing their suit and tie, and performing their best choirboy routine. The sad thing is that you and your fellow prosecutors naively fall for that act and start to sympathize with them. At some hearings I have attended it was hard for me to tell the difference between you and defense counsel, as you asked for leniency. Cops find that pathetic, in case you didn't know.

Might I suggest that when you get a chance, you read *Escape of the Guilty*, a book by Judge Ralph Adam Fine, (who now sits on the Wisconsin Court of Appeals), in which he tells "the untold story of the failure of the criminal justice system." In his review of *Escape of the Guilty*, David E. Schultz, former professor of law at the UW Law School, states:

The first five chapters of *Escape of the Guilty* provide background and historical information intended to illustrate that excessive reliance on plea bargaining is the primary reason for the failure of the criminal justice system. Plea bargaining is characterized as a 'compromise with crime' based on expediency. These compromises make the work of judges and lawyers easier, but hurt everyone else because the public interest is not served by a system that gives deals to criminals. Bargaining prevents successful deterrence because it obscures the connection between illegal activity and its sanction. It teaches the criminal that

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some violations will go unpunished and that most can be discounted. It so separates the 'pain signal' of punishment from the criminal act that the system loses its credibility. . . . The primary basis for the criticism of plea bargaining is that it harms society and gives criminals an undeserved break. . . . He reemphasizes his belief that the only reason for plea bargaining is that it makes things easier for everyone. . . . The judge illustrate[s] how people who are too close to something or too familiar with details may lose sight of the broader picture. Thus, judges and lawyers fail to realize that there is no history to support the practice of plea bargaining and that it is not necessary as a practical matter . . . . Necessary changes are: eliminate plea bargaining. . . . Members of the public should join or form court watch groups to monitor and publicize what the lawyers and judges are doing; and, members of the public should contact their legislators when they believe that the laws of the state should be changed.

It appears that Judge Fine concurs with my assessment on social engineering experiments. He sits on the bench, and he's a smarter guy than you and I put together. Go tell him he's wrong.

**I will provide you with a suggested list of credible criminal justice researchers, and we can begin a process that has been a long time in coming, and from which I look forward to seeing the results.**

Next time you appear in court, shake the hand of the bailiff attending the court, for keeping you safe as you sit in your controlled environment.

Thanks for your quick response!

Sincerely,

A handwritten signature in blue ink that reads "David A. Clarke Jr." in a cursive, flowing script.

Sheriff David A. Clarke Jr., Sheriff  
Milwaukee County

By hand-delivery