Written by **James Murphy** on January 14, 2022

Wisconsin Governor Refuses to Remove D.A. Who Allowed Waukesha Parade Attacker Out on Low Bail

On Tuesday, Wisconsin Governor Tony Evers (D) refused to take action to remove Milwaukee County District Attorney John Chisholm (D) from his position. Chisholm may have been partially responsible for the very low bail request that allowed Darrell Brooks, Jr. to drive his vehicle into a Waukesha Christmas parade on November 21 in a terrorist-like attack.

Six people were killed in the attack, including an eight-year-old child. Over 60 people were injured when Brooks, a black man who had posted several anti-white rants on social media, drove a red SUV through the crowd of parade revelers. Previously, Brooks was accused of using the same vehicle in an attempt to run over the mother of his child — he was out on a $1,000 bail for that incident at the time of the parade attack, despite a decades-long history of violence.

AP Images
Tony Evers

In a statement after the parade attack, Chisholm admitted that Brooks' bail amount was "inappropriately low." The district attorney later blamed an underling in his office who didn't review an assessment that advised prosecutors to seek a high bail amount.

Brooks now faces 77 charges in connection with the Waukesha attack, including six counts of first-degree intentional homicide, 61 counts of first-degree recklessly endangering safety, and six counts of hit-and-run resulting in death.

A petition brought forth by Milwaukee County citizens demanded Chisholm's removal from office.

"John Chisholm has refused repeated requests to resign as Milwaukee County District Attorney, but as witnessed in Waukesha last month, the devastation resulting from Chisholm's dereliction of duty to protect the public has reached outside the borders of Milwaukee County," the petition noted. "Therefore it is incumbent upon you as Governor of the State of Wisconsin, to immediately investigate and remove Milwaukee County District Attorney."

An attorney hired by Evers to review the matter claimed that the petition brought forth demanding Chisolm's ouster did not meet the qualifications needed to begin that process.

"Based upon my review of the Petition and applicable law, it is my opinion that the Petition suffers from several flaws, both formal and substantive, that render it insufficient to invoke the power the petitioners demand Governor Evers exercise," attorney Matthew Fleming wrote in a letter to Evers.

According to Fleming: "The Petition seems to claim that the fact these tragedies occurred is all the evidence necessary to conclude that cause for removal exists. While I would not conclude that an officer is never responsible for the actions of subordinates, I see no support in the statutes or case-law that cause for removal can be found without findings relating to specific conduct, relevant to the statutory standard, on the part of the officer subject to removal."

Evers' office kept the door open to considering action in the future.

"In the event of new, additional facts, concerns, or complaints raised, the governor will give that information full consideration and review to protect public safety and keep our communities safe," said Evers spokesperson Britt Cudaback.

Paul Farrow, who is both the Waukesha County executive and the chairman of the Republican Party of Wisconsin, posted an angry tweet about the situation on Tuesday: "@GovEvers has the gall to suggest that there weren't enough 'facts' to fire John Chisholm. Here are the facts: John Chisholm's office allowed a decades-long violent criminal to walk free and kill six people in Waukesha, and Tony Evers is refusing to hold him accountable,"

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>
> — Paul Farrow (@PaulFarrowWi) January 12, 2022

A new petition started today at change.org is calling for the immediate resignation of Chisolm and Judge Cedric Cornwell, who signed off on the $1,000 bail for Brooks.

"Milwaukee district attorney John T. Chisholm's office must be held accountable for his lenient bail policies, which are directly responsible for allowing the multiple felon Darrell Brooks Jr to go on his grotesque Christmas parade massacre in Waukesha, WI." the petition declares.

Chisholm may blame an underling for what he called the "inappropriately low" bail in the Brooks case, but his policy has always been leniency when it comes to crime. Chisholm knew that it would lead to trouble in the future — he even predicted it.

In a 2007 interview with the *Milwaukee Journal*, Chisholm once said, "Is there going to be an individual I divert, or I put into treatment program, who's going to go out and kill somebody? You bet. Guaranteed. It's guaranteed to happen. It does not invalidate the overall approach."

Under Wisconsin state law, a district attorney can be removed by the governor for "inefficiency, neglect of duty, official misconduct, or malfeasance in office." Certainly the "inefficiency" or "neglect of duty" standards would apply in this case, if nothing else does.

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