

KYLE RITTENHOUSE CASE IS A MISCARRIAGE OF JUSTICE

WHEREAS Kyle Rittenhouse traveled to Kenosha, Wisconsin from his home in Antioch, Illinois, during a period of sometimes violent racial unrest, and without authority of any kind, took it upon himself to patrol the streets and attempt to “protect property” and quell the violence;

WHEREAS Rittenhouse, age 17 at the time, armed himself with an AR-15-style rifle, which but for a flaw in Wisconsin law, he should not have been not permitted to own;

WHEREAS The Wisconsin law concerning underage possession of a dangerous weapon (948.60) is written in a way that restricts underage gun possession only when the person is carrying a short-barreled (less than 12 inches) firearm;

WHEREAS protecting property of another without express preferably written permission is not a justification for using deadly force;

WHEREAS Rittenhouse shot to death two people, seriously wounded a third, and “recklessly endangered” the life of two others, showing an “utter disregard for human life”;

WHEREAS Rittenhouse was found not guilty on all charges as a result of vague laws and jury instructions based on those laws;

WHEREAS Wisconsin’s law of self-defense (939.48) and its jury instruction on provocation do not clearly indicate that an individual who provokes or instigates a conflict forfeits the right of self-defense, and an individual who shoots and kills another person should not have to commit “unlawful” provocative conduct (939.48(2)(a)) to qualify as a provocateur or initial aggressor; 1

WHEREAS the verdict in the Rittenhouse case has already inflamed the passions of U.S. far-right groups, militias, and white supremacists, and will inevitably encourage further vigilante violence and murder;

THEREFORE BE IT RESOLVED that we, the Benton County Democrats, condemn the perpetration of violence by all sides at the Kenosha demonstration;

THEREFORE BE IT FURTHER RESOLVED that we, the Benton County Democrats, consider the verdict in the Kyle Rittenhouse case to be a miscarriage of justice, which sets a dangerous precedent and sends a message that vigilantism might be condoned by the authorities;

THEREFORE BE IT FURTHER RESOLVED that we, the Benton County Democrats, call upon the Washington State Attorney General to review the Kyle Rittenhouse case, and ensure that Washington State laws on underage gun possession, unlawful assembly, and vigilantism would

prevent an outcome like the Rittenhouse verdict, even while preserving protections for individuals who commit alleged crimes as a result of chronic abuse.

THEREFORE BE IT FURTHER RESOLVED that we, the Benton County Democrats, call upon the Washington State Attorney General, and the Governor of Washington, citing Washington laws, to speak out in the strongest terms against law enforcement undertaken without legal authority by a self-appointed group of vigilantes or "militia," and make clear the penalties associated with such actions.

1 <https://www.politico.com/news/magazine/2021/11/17/wisconsin-self-defense-law-rittenhouse-522814>

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Submitted to the Benton County Democratic Platform and Resolutions Committee by Richard Badalamente November 21, 2021.