

1           **KYLE RITTENHOUSE CASE IS A MISCARRIAGE OF JUSTICE**  
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4       WHEREAS Kyle Rittenhouse traveled to Kenosha, Wisconsin from his home in Antioch,  
5       Illinois, on August 21, 2020 during a period of sometimes violent racial unrest, and without  
6       authority of any kind, took it upon himself to patrol the streets and attempt to “protect property”  
7       and quell the violence<sup>1,2</sup>;  
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9       WHEREAS Rittenhouse, age 17 at the time, armed himself with an AR-15-style rifle which but  
10       for a flaw in Wisconsin law, he should not have been not permitted to own, given that Wisconsin  
11       law concerning underage possession of a dangerous weapon (948.60) is written in a way that  
12       restricts underage gun possession only when the person is carrying a short-barreled (less than 12  
13       inches) firearm;  
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15       WHEREAS protecting property of another without express (preferably written) permission is not  
16       a justification for using deadly force<sup>3</sup>, yet Rittenhouse shot to death two people, seriously  
17       wounded a third, and “recklessly endangered” the life of two others, showing an “utter disregard  
18       for human life;  
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20       WHEREAS Wisconsin’s law of self-defense (939.48) and its jury instruction on provocation do  
21       not clearly indicate that an individual who provokes or instigates a conflict forfeits the right of  
22       self-defense, and an individual who shoots and kills another person should not have to commit  
23       “unlawful” provocative conduct (939.48(2)(a)) to qualify as a provocateur or initial aggressor;<sup>4</sup>  
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25       WHEREAS Rittenhouse was acquitted of all charges on November 19, 2021 as a result of vague  
26       laws and jury instructions based on those vague laws, and this verdict has already inflamed the

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<sup>1</sup> Wisconsin Armed Security Guard requirements (SPS-31) are: be at least 21 years old, be a U.S. citizen or legal alien, pass a drug test, have no felony convictions, submit to a criminal background check, submit to electronic fingerprinting, present two forms of photo ID, partake in state-required security guard training.

<sup>2</sup> Comments off-the-record from an attorney: “... So, three points.

First, make it clear that protecting property of another without their written permission is not a justification for using or threatening to use deadly force. In other words, write the statute to explicitly say if you use a deadly weapon to threaten and/or harm anyone in defense of the property of another without their written permission to defend their property, that behavior constitutes assault with a deadly weapon, and that behavior exposes you to both civil and criminal liability. Further, if you kill anyone while defending the property of another without their written permission to do so, that constitutes capital murder.

Second, if you give someone written permission to defend your property, you have civil and criminal liability for anything they do while on your property.

Third, if you are armed with a weapon and you kill a person you cannot claim that you were exercising self defense because you feared they would take the weapon away from you. You must have a reasonable fear of being harmed by them independently of their gaining control of your weapon. In other words, make it so Rittenhouse could not claim self defense for the first person he shot.”

<sup>3</sup> Ibid.

<sup>4</sup> <https://www.politico.com/news/magazine/2021/11/17/wisconsin-self-defense-law-rittenhouse-522814>.

27 passions of U.S. far-right groups, militias, and white supremacists, and is likely to inevitably  
28 encourage further vigilante violence and murder;

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30 THEREFORE BE IT RESOLVED that we, the Benton County Democrats, condemn the  
31 perpetration of violence by all participants at the Kenosha demonstration, and we call upon the  
32 Washington State Attorney General to review the Kyle Rittenhouse case, to ensure that  
33 Washington State laws on underage gun possession, unlawful assembly, and vigilantism would  
34 prevent an outcome like the Rittenhouse verdict, even while preserving protections for  
35 individuals who commit alleged crimes as a result of chronic domestic abuse<sup>5</sup>;

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

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41 THEREFORE BE IT FINALLY RESOLVED that we, the Benton County Democrats, call upon  
42 the Washington State Attorney General, and the Governor of Washington, citing Washington  
43 laws, to speak out in the strongest terms against law enforcement undertaken without legal  
44 authority by self-appointed groups of vigilantes or “militia,” and make clear the penalties  
45 associated with such actions.

46  
47 Submitted to the Benton County Democratic Platform and Resolutions Committee by Richard  
48 Badalamente November 21, 2021.

49  
50 Submitted to the Benton County Democratic Executive Board December 6, 2021.

51  
52 Submitted to the Benton County democratic central Committee December 9, 2021.

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<sup>5</sup> Comments off-the-record from another attorney: “I also noted that the pro-self defense laws out of Washington arise mainly out of case law, not statute. And that the cases were where the defense was “battered woman syndrome” so any suggestions as to review of self defense laws in Washington might be seen as undercutting consideration for women who may have committed an alleged crime as a result of abuse.”