

# Rittenhouse murder trial judge rules prosecutors cannot use the word “victim” to describe the shooter’s victims

Kevin Reed  
27 October 2021

The Wisconsin county judge presiding over the criminal trial of Kyle Rittenhouse—the teenager who opened fire with an AR-15-style rifle on anti-police violence protesters in Kenosha last August, killing two men and wounding another—ruled on Monday that prosecutors may not refer in court to the three victims as “victims.”

Kenosha County Circuit Court Judge Bruce Schroeder ruled on this and other motions during final courtroom preparations for the trial of Rittenhouse, who was 17 years old at the time of the shootings, that is set to begin with jury selection next week.

As he has done throughout the case, Judge Schroeder insisted, “the word ‘victim’ is a loaded, loaded word. And I think ‘alleged victim’ is a cousin to it.” He then instructed prosecutors to use the terms “complaining witness” or “decedent” to refer to those shot by Rittenhouse.

The blatant political bias of Schroeder was on further display when he ruled against a motion by prosecutors that would have blocked Rittenhouse’s defense attorneys from referring to the shooter’s three victims as “arsonists,” “looters” or “rioters.”

The judge said that although Rittenhouse may not have seen the victims specifically commit such crimes, others may testify that they did. If so, the judge said he would allow the defense to generally refer to the victims as various kinds of lawbreakers in their closing arguments.

Kenosha Assistant District Attorney Thomas Binger responded to the pair of rulings by saying that they constituted “a double standard.”

“The terms that I’m identifying here such as rioter, looter and arsonist are as loaded, if not more loaded,

than the term ‘victim’,” Binger said.

On August 25, 2020, Rittenhouse traveled from his hometown of Antioch, Illinois to Kenosha in response to a call on Facebook for “patriots willing to take up arms and defend” the city, and volunteered as a vigilante militia member during a night of protests against the brutal police shooting of Jacob Blake, an African American man, two nights earlier.

Rittenhouse brandished a loaded Smith & Wesson M&P15 rifle in the streets during the demonstrations and was confronted by protests. In the course of several physical altercations, Rittenhouse fired his weapon at close range and killed Joseph Rosenbaum (36) and Anthony Huber (26) and seriously wounded Gaige Grosskreutz (27).

While police allowed Rittenhouse to cross their lines and return home after the shootings, the Kenosha DA’s office acted swiftly and brought six charges against the shooter including first degree reckless homicide in the death of Rosenbaum, first degree intentional homicide in the death of Huber and attempted first degree intentional homicide in the injuring of Grosskreutz based upon video evidence and interviews with eyewitnesses.

Rittenhouse’s case was taken up immediately by right-wing and fascistic political groups and individuals, including then-president Donald Trump, and the shooter was painted as a “hero” who rightfully fired in “self-defense” against the protesters.

The defense campaign mounted by far-right groups such as the FightBack Foundation raised the \$2 million bond money necessary for Rittenhouse to be released after his arraignment. Immediately following his release, the shooter and his mother began collaborating

directly with Republican Party officials and fascist groups such as the Proud Boys.

The court bias against the prosecution of Rittenhouse has been consistent since the case began last November. When prosecutor Binger moved for the shooter to be rearrested for violating the terms of his release by concealing his whereabouts, Judge Schroeder sided with Rittenhouse and his supporters and said that the whereabouts of the defendant were to be concealed from the District Attorney's office.

Responding further to Judge Schroeder's granting of Rittenhouse's defense to refer to the shooting victims as various types of criminals, Binger made the obvious point that neither Rosenbaum nor Huber will ever have the chance to defend themselves.

"This is an attempt to tell the jury that Mr. Rosenbaum was a bad guy who deserved to die," Binger said. "That's really what's going on here, your honor." Meanwhile, Grosskreutz, who has undergone reconstructive surgery to repair damage to his upper arm, has not been charged with any crimes.

In other rulings in the pretrial hearing on Monday, Judge Schroeder sided consistently with the defense. He said that the defense will be permitted to call police use of force expert John Black to testify. Despite the objections from Binger, the judge said that Black will be able to answer questions about the timeline of events in the shootings.

Additionally, the judge ruled against Binger's opposition to the admission of videos that show law enforcement officers telling Rittenhouse and other armed militia members that they appreciated their presence and then tossed the teenager a bottle of water.

Binger argued that the comments of the police have no bearing on whether Rittenhouse's actions later that evening were lawful. "If ... police tell him, 'It's a good thing you people are here,' given the state of lawlessness that's existing, is that something that's influencing the defendant and emboldening him in his behavior?"

"[That] would seem to me to be an argument for relevance," the judge replied.



To contact the WSWs and the  
Socialist Equality Party visit: