



Written by [R. Cort Kirkwood](#) on November 16, 2021

Prosecutor: If You Have a Gun and Your Attacker Doesn't, You "Lose The Right of Self Defense"

In his instructions to the jury in the trial of Kyle Rittenhouse yesterday, Judge Bruce Schroeder warned the jury that they could not let statements by President Joe Biden, [who called](#) Rittenhouse a "white supremacist," affect their decision.

He added likewise about former President Trump.

The admonition about Biden though, Vivek Ramaswamy tweeted, "says a lot about where we are as a country right now."

So do two other things: Prosecutor Thomas Binger's claim that having a firearm vitiates one's right to self-defense, and MSNBC's decision not to broadcast the closing statement of Rittenhouse's attorney, Mark Richards.



AP Images
Thomas Binger

Binger Claim

Binger's claim focused on Rittenhouse's shooting and killing boy rapist Joseph Rosenbaum, who repeatedly said he would kill Rittenhouse and others. Rittenhouse shot the hardened ex-con when he cornered Rittenhouse after a chase, then tried to grab Rittenhouse's AR-15.

What Binger said would be news to anyone with a concealed-carry permit. Gun owners get the permits so they can carry a firearm for, well, self-defense.

"Now the defense wants you to think Joseph Rosenbaum was there to attack the defendant," Binger told the jury. But Rosenbaum was unarmed, and "you don't bring a gun to a fistfight."

That ignored, of course, that what occurred on August 25, 2020 was not a "fistfight." It was a riot. It was arson. It was property destruction and attacks on police. At one point, Rosenbaum was swinging a metal chain.

"They know, you can't claim self defense against an unarmed man like this," Binger continued:

You lose the right to self-defense when you're the one who brought the gun, when you're the one creating the danger, when you're the one provoking other people.

That line of argument went to Binger's claim, pursuant to Schroeder's permission that prosecutors could argue that Rittenhouse provoked Rosenbaum, who chased him down and tried to grab his rifle.



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“When the defendant provokes the incident, he loses the right to self defense,” Binger told the undoubtedly exhausted jury:

You cannot claim self-defense against a danger you create. That’s critical right here. If you’re the one who’s threatening others, you lose the right to claim self-defense.

Binger also compared Rittenhouse to a bank robber. When he “runs away and the crowd comes after him, can he just shoot anybody and claim self-defense?” Binger asked.

One of the prosecutor’s slides asked likewise: “Can a criminal shoot his way out of a crime scene?” Of course, Rittenhouse is neither a criminal in general nor a bank robber in particular.

But the import of Binger’s closer goes beyond the Rittenhouse trial. He sent a message to every concealed-carry permit holder in Wisconsin: If you shoot and kill an unarmed convicted criminal in self defense, you risk arrest and trial for murder. Because “You lose the right to self-defense when you’re the one who brought the gun.”

If that interpretation of the law is right, then the right to own a firearm to defend yourself is meaningless.

And besides, Binger’s assistant James Kraus said in rebuttal to Richards’ closing argument, “everyone takes a beating once in a while.”

MSNBC Skips Defense Closer

Meanwhile, leftist CNN and MSNBC, having aired Binger’s closing argument, left coverage of Richards’ closer.

“After hours of coverage dedicated to the prosecutors, both MSNBC as well as CNN opted out of covering the kickoff of the defense team’s closing argument, airing the White House ceremony of President Biden signing the bipartisan infrastructure bill into law,” [Fox News reported](#).

CNN went back to the trial after missing the first hour of Richards. But MSNBC “returned to its normally-scheduled programming with “Deadline: White House” host Nicolle Wallace hyping Trump ally Steve Bannon’s surrender to authorities after he was indicted for defying a congressional subpoena.”

That move, Fox observed, comported with the network’s bias against Rittenhouse:

MSNBC contributor Jason Johnson compared Rittenhouse to a “school shooter” and even declared him “the enemy” while analyst John Heilemann said he was “arguably a domestic terrorist” who crossed state lines “with the intent to shoot people.”

“Morning Joe” co-host Joe Scarborough claimed Rittenhouse was “just running around shooting and killing protesters.”

H/T: [The Post Millennial](#)



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