

MSNBC's *The ReidOut*

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7:15:57 p.m. [TEASE]

20 seconds

JOY REID: Up next on *The ReidOut*.

JUDGE SCHROEDER: You are already, you are — I was astonished when you began your examination by commenting on the defendant's post-arrest silence.

REID: What in the world is going on with the judge in the murder trial of Kyle Rittenhouse?

(...)

7:20:48 p.m.

8 minutes and 25 seconds

REID: If you want to know why critical race theory exists — the actual law school theory that emphasizes that supposedly colorblind laws in America often still have racially discriminatory outcomes, then look no further than the trial of Kyle Rittenhouse. Earlier today, the teenager accused of murdering two men and wounding a third in Kenosha, Wisconsin last year, took to the stand in his own defense and the circumstances are almost built for an actual CRT course. The white, now 18-year-old faces an almost entirely white jury of his peers with the exception of one black man and then there is judge Bruce Schroeder, who has barred the prosecution from calling the people Rittenhouse killed victims. He's barred the prosecution from introducing evidence of Rittenhouse posing with the Proud Boys while flashing white supremacist signs and denying the prosecution's request to increase Rittenhouse's bail after he failed to notify the court of his changed address, which he was required to do. In fact, the prosecution has been repeatedly hamstrung, but the judge at almost every turn. Into all that stepped Rittenhouse himself today, giving the jury his best sweet, innocent teen while describing the moment before he shot and killed Joseph Rosenbaum with a semi-automatic rifle.

[RITTENHOUSE CLIP]

REID: At one point, Rittenhouse claimed that the initial victim used threatening language that he did not want to repeat even though he was caught on camera flashing a white power hand gesture.

[RITTENHOUSE CLIP]

REID: During cross-examination, Judge Schroeder berated the prosecutor, at times yelling at him for Rittenhouse about whether it was appropriate to use deadly force to protect property. The judge then accused the lead prosecutor, Thomas Binger, of improperly trying to introduce testimony. An hour later, the defense requested a mistrial with prejudice meaning no retrial, claiming that the prosecution was attempting to provoke a mistrial. The judge took it under

advisement after admonishing the prosecution once again. Joining me now is Paul Butler, former federal prosecutor and Georgetown Law Professor. Paul, I feel like it was flashbacks to the George Zimmerman trial, right? I mean, everything from Kyle Rittenhouse using sort of cop speak about trying to stop the threat, saying this sort of really dramatic thing the person he shot supposedly said that sounded like a gangster movie, you know, and then this whole thing of, you know, the whole breaking down and dry heaving in court — that was one thing we didn't see from Zimmerman but making himself the victim and sort of making himself seem more innocent, which Zimmerman trial also featured. And the judge was sort of almost — like it was his dad. Like, you know, I don't think I've ever — I mean, since the Zimmerman trial, I haven't seen anything like it, but it seems very similar to me. What did you see today?

PAUL BUTLER: Joy, today, the jurors saw what must be the greatest performance of Kyle Rittenhouse's life. He was well prepared by his defense attorneys to disrupt his image as a trigger happy vigilante who went on a shooting rampage at a Black Lives Matter protest. On the stand, he was polite and deliberate. When Rittenhouse got emotional, it may have come across to the jury as a genuine expression of remorse or, on the other hand, maybe it was crocodile tears designed to elicit sympathy. But, with the help of the judge, Rittenhouse did avoid most of the risk that defendants incur when they take the stand. He probably advanced his own defense in front of the jury.

REID: Well, I mean, because, if you really do get a jury of your peers, right? He's an 18-year-old now. He's a teenager. You know, the defense has managed to construct the jury that could be his uncles and aunts and his parents, right, where they can look at him and see perhaps their own son and that was what felt like his testimony was designed to do today, to take away all of the stuff about him throwing the white power sign and posing with the Proud Boys and jumping — you know, not telling where he was living when he was supposed to — all that other stuff, the things that were interesting were when the jury was not present, all the times that the judge was literally berating the prosecutor, saying he couldn't bring in evidence that spoke to perhaps Kyle Rittenhouse saying he wanted to hurt people. I mean, it was clear — was it as clear to you as it was to me that this judge decided that Kyle Rittenhouse was in the right here?

BUTLER: Well, it's clear that the defense wants the jury to look at Rittenhouse as a Boy Scout who was just in Kenosha to render aid and earlier had helped scrub graffiti off churches. And most of the judge's ruling favored the defense and that portrait, so the judge barred evidence then on a previous occasion Rittenhouse beat up a teenage girl. That's on video. The judge won't let the jury know that. Before this episode, Rittenhouse saw some people he thought were shoplifting at a CVS and he said, man, I wish I could shoot those people. The judge won't let the jury know about that. On the bench, he yells at the prosecutors. Some of the judge's rulings are consistent with how he handles other cases but we know, in this case, conservatives like Donald Trump have made Rittenhouse a martyr and there are concerns the judge's rulings and his emotional outburst against the prosecutor are steering the jury towards an acquittal.

REID: Yeah. I mean, that's what — I mean, he's charged with so many things. First-degree reckless homicide, recklessly endangering safety, you — I won't even tell you all of it because he's not — it doesn't feel like a conviction is coming on any of it. Let me play one more thing

that Rittenhouse said that I cannot believe a black or brown kid ever getting away with saying. Here he is talking about why he wanted an AR-15 in particular.

[TRIAL CLIP]

REID: Dream with me, Paul. Could any child of color — young person of color — ever, ever, ever do that on a stand and get away with it?

BUTLER: You already know, Joy. Of course not. This is white privilege on steroids. Rittenhouse testified that after he shot all of these people, he approached the cops and told them that he'd been involved in a shooting and the officers told him be careful so that you don't get pepper sprayed and go home. It's impossible to imagine that happening to a black or brown person. They would have been in handcuffs if they were lucky enough to survive that kind of encounter with cops.

REID: Yeah. Let me just remind people of the names of the victims. Joseph Rosenbaum was 36 years old, Anthony Huber, who was 26, Gaige Grosskreutz is only 27 years old was injured. These are the victims. These are the people that people ought to remember — are the people who were hurt here, not the person who was crying on the stand today. Paul Butler, thank you very much my friend. Up next — ooh, we need critical race theory in this country.