

## David Wright

---

**From:** Mary McCord <mbm7@georgetown.edu>  
**Sent:** Wednesday, August 26, 2020 6:02 PM  
**To:** jantaramian@kenosha.org;Jim Kreuser;Michael Graveley;dmiskinis@kenosha.org;David Beth  
**Cc:** Joshua Geltzer;Jonathan Backer  
**Subject:** Unlawful Private Militia Activity in Kenosha  
**Attachments:** Kenosha Letter (ICAP 08.26.pdf)

Dear Kenosha officials,

Please see the attached letter regarding the militia activity in Kenosha and the legal authorities in Wisconsin that you may be able to deploy to mitigate the threat. After successful litigation against several militias that contributed to violence in Charlottesville, Va., at the Unite the Right Rally in 2017, our organization at Georgetown Law has worked with numerous jurisdictions across the country to combat unlawful paramilitary activity. We would be happy to consult with you pro bono if helpful.

Best,  
Mary B. McCord  
Legal Director and Visiting Professor of Law  
Institute for Constitutional Advocacy and Protection  
Georgetown University Law Center  
202-661-6607 (o) 571-447-3902 (c)

The information contained in this e-mail message may be privileged and is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.



INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION  
GEORGETOWN UNIVERSITY LAW CENTER

August 26, 2020

**VIA EMAIL**

John Antaramian  
Mayor  
625 52nd Street, Room 300  
Kenosha, WI 53140  
jantaramian@kenosha.org

Jim Kreuser  
County Executive  
1010 56th Street  
Kenosha, WI 53140  
jim.kreuser@kenoshacounty.org

Michael D. Graveley  
District Attorney  
912 56th Street  
Kenosha, WI 53140  
michael.graveley@da.wi.gov

Daniel G. Miskinis  
Chief of Police  
625 52nd Street  
Kenosha, WI 53140  
dmiskinis@kenosha.org

David G. Beth  
Sheriff  
1000 55th Street  
Kenosha, WI 53140  
david.beth@kenoshacounty.org

**Re: Paramilitary Activity in Kenosha**

Dear Mayor Antaramian et al.:

I am the Legal Director of Georgetown University Law Center's Institute for Constitutional Advocacy and Protection (ICAP). At ICAP, our mission is to defend American constitutional rights and values in and out of court. Over the past several years, as a result of

successful litigation we brought against militia organizations that participated in the Unite the Right rally in Charlottesville, Virginia, we have developed an expertise in legal issues related to private paramilitary activity, as well as the regulation of public protests and demonstrations in a manner that protects public safety while respecting individuals' constitutional rights.

I am writing because we understand that members of private self-styled militias have appeared at recent demonstrations in downtown Kenosha, which has been the site of ongoing protest activity following the police shooting of Jacob Blake, Jr. According to media reports, a group called the Kenosha Guard called for "patriots willing to take up arms and defend our city . . . from evil thugs" to attend the protest that occurred at Civic Center Park on the evening of August 25, 2020.<sup>1</sup> This call to arms specifically described the group's activity as augmenting local law enforcement, stating that "law enforcement is outnumbered."<sup>2</sup> A post from the so-called "commander" of the Kenosha Guard further indicates that the group attempted to coordinate its activities with the Kenosha Police Department and the Kenosha County Sheriff's Department.<sup>3</sup> In addition, members of another militia that is part of the extremist Boogaloo movement have attended the protests in recent days.<sup>4</sup>

Tragically, three individuals were shot—two fatally—during the August 25 demonstration.<sup>5</sup> It remains unclear from public reporting whether the individual charged for the shooting was formally a member of either of the militias or a fellow traveler emboldened by the presence of other armed individuals. Regardless, the bloodshed that occurred throws into sharp relief the danger posed when private and unaccountable militia groups take the law into their own hands. As Sheriff Beth aptly noted, "This is why you don't deputize citizens with guns to protect Kenosha."<sup>6</sup> As protest activity continues, the potential remains for future confrontations between militia members and protesters. Such confrontations can lead to tension, the chilling of constitutionally protected speech and assembly, the destruction of property, and, as last night painfully demonstrated, violent confrontations.

As you may be aware, several provisions of Wisconsin law prohibit private paramilitary and unauthorized law enforcement activity. In particular, the Wisconsin Constitution's Subordination Clause forbids private military units from operating outside state authority, providing that "[t]he military shall be in strict subordination to the civil power." Wis. Const. art. I, § 20. In addition, Wisconsin law makes it a felony to "[a]ssume to act in an official capacity or

---

<sup>1</sup> Kristin T. Harris, *Wisconsin Militia Recruiting Citizens to Patrol Kenosha After 2nd Night of Riots*, InfoWars (Aug. 25, 2020), <https://www.infowars.com/wisconsin-militia-recruiting-citizens-to-patrol-kenosha-after-2nd-night-of-riots/>.

<sup>2</sup> *Id.*

<sup>3</sup> Gina Barton & Bruce Vielmetti, *Kyle Rittenhouse, Charged in Kenosha Protest Homicides, Considered Himself Militia*, Milwaukee J.-Sentinel (Aug. 26, 2020), <https://www.jsonline.com/story/news/2020/08/26/kyle-rittenhouse-charged-kenosha-protest-shootings-militia/5634532002/>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Julie Bosman & Sarah Mervosh, *Arrest in Overnight Shooting During Unrest in Kenosha, Wis.*, N.Y. Times (Aug. 26, 2020), <https://www.nytimes.com/2020/08/26/us/kenosha-shooting-protests-jacob-blake.html>.

to perform an official function, knowing that he or she is not the public officer . . . that he or she assumes to be.” Wis. Stat. § 946.69(2)(a).

Other provisions of Wisconsin law make clear that the Governor of Wisconsin, as the commander-in-chief, is the state official who has the authority to call the militia into active service. Wis. Const. art. 5, § 4 (“The governor shall be commander in chief of the military and naval forces of the state.”); Wis. Stat. § 321.39 (authorizing the governor to “order into state active duty members of the national guard” under limited enumerated circumstances); *id.* § 321.51 (authorizing the governor to “organize the state defense force” as “a uniformed force distinct from the national guard” and to “prescribe regulations, instructions, and policies . . . governing the enlistment, organization, administration, equipment, uniforms, maintenance, training, and discipline of the state defense force”). The legislature is the entity that has authority to determine which individuals are part of the militia and to regulate its activities. Wis. Const. art. 4, § 29 (“The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same in such manner as shall be prescribed by law.”). Accordingly, private militias have no authority to deploy to engage in law enforcement or military functions outside of these carefully circumscribed laws, and no official other than the Governor has authority to call private individuals into service.

All 50 states have similar laws or constitutional provisions that bar private military activity. After the August 2017 Unite the Right rally in Charlottesville, Virginia, ICAP—relying on Virginia’s antiparamilitary laws—filed a successful lawsuit on behalf of the city, small businesses, and residential associations against a number of militia organizations involved in the violence. The case resulted in court orders against 23 individuals and organizations barring them from returning to Charlottesville in groups of two or more acting in concert while armed with anything that could be used as a weapon during any rally, protest, demonstration, or march. ICAP also recently partnered with the District Attorney for Bernalillo County, New Mexico, to bring a lawsuit against a local militia there that usurped law-enforcement and military authority in violation of similar laws in New Mexico. Other states have relied on these authorities as the basis for time, place, and manner restrictions during public protest events.

Since bringing its successful litigation in Charlottesville, ICAP has consulted free of charge with municipalities large and small across the country seeking advice on how to protect public safety while preserving constitutional rights during public protests and demonstrations. ICAP has developed a toolkit of legal principles, best practices, and creative solutions, titled *Protests and Public Safety: A Guide for Cities and Citizens*. We also have convened a new coalition of law firms across the country that have pledged to work with local jurisdictions pro

bono as they seek to ensure that future protests remain peaceful and free from unlawful militia activity. We would be happy to consult with you about applicable legal authorities in Wisconsin and how similar authorities have been used elsewhere, or to connect you with one of the law firms in the coalition.

Sincerely,

Mary B. McCord  
Institute for Constitutional Advocacy and Protection  
Georgetown University Law Center  
mbm7@georgetown.edu  
Phone: 202-661-6607  
Fax: 202-662-9248

## David Wright

---

**From:** Jennifer Peters <almosthope@yahoo.com>  
**Sent:** Wednesday, August 26, 2020 10:56 AM  
**To:** Michael Graveley;mayor@kenosha.org;Daniel Miskinis;Michelle Battellini;dojcommunications@doj.state.wi.us;district1@kenosha.org;district1@kenosha.org;district2@kenosha.org;district3@kenosha.org;district4@kenosha.org;district5@kenosha.org;district6@kenosha.org;district7@kenosha.org;district8@kenosha.org;district9@kenosha.org;district10@kenosha.org;district11@kenosha.org;district12@kenosha.org;district13@kenosha.org;district14@kenosha.org;district15@kenosha.org;district16@kenosha.org;district17@kenosha.org  
**Subject:** JUSTICE NOW

And so it continues.

Yesterday, the "Kenosha Guard" organized as many hateful white gun owners as they could, boasting on social media that they were coming to Kenosha to put snipers on rooftops, to shoot protesters, to let bodies pile up.

KPD stated they were watching these social media posts.

And yet they came. And were not stopped. In fact, they are on video being thanked by the police.

Now 2 people are dead.

You know who shot 3 people, leaving 2 dead. It's on video. The KPD statement notes they have the videos. Arrest him NOW.

The officers on video fraternizing with these extremists need to be fired NOW.

The officers aware of this group before hand who did nothing need to be fired NOW.

Alderspersons of Kenosha, you need to stand up for innocent life or your public positions will be next.

Enough is enough.

On Mon, Aug 24, 2020 at 2:13 PM, Jennifer Peters <almosthope@yahoo.com> wrote:

DA Michael D. Graveley, Mayor John Antaramian, Chief Daniel G. Miskinis, Sheriff David Beth,

I am writing to demand justice for Jacob Blake, the unarmed black man shot in the back 7 times yesterday

Officer Luke Courtier should not only lose his job, he should be charged and arrested with attempted murder. Now. Not tomorrow, not in a month, TODAY.

The other officers at the scene who also drew their weapons should be suspended without pay pending the WI DOJ investigation at a minimum, or preferably fired.

The Kenosha PD must do more to fulfill their duty to serve and protect. Sending a riot squad to intimidate an understandably upset yet ultimately peaceful crowd at the scene was nothing more than a threat and an escalation. We see you KPD. Defund yourselves or we will do it for you.

Jennifer Peters

Sent from Yahoo Mail on Android

## David Wright

---

**From:** Lois Beckett <lois.beckett@theguardian.com>  
**Sent:** Wednesday, August 26, 2020 10:32 AM  
**To:** David Wright  
**Subject:** Comment on Kenosha Guard - Kevin Mathewson?

Dear Sgt. Wright:

I wanted to check if the "militia" and "vigilante group" Sheriff Best referred to in his comments on the Kenosha shooting that had armed people patrolling the streets last night was the Kenosha Guard group, founded by former city alderman Kevin Mathewson. That group had a Facebook event calling armed people to the streets in Kenosha last night.

Mr. Mathewson told me he believed that the sheriff was referring to his group in his statement --I wanted to check if this is accurate.

Would also be helpful to clarify if there's any indication that the shooter from last night was part of the Kenosha Guard, or had come to the group in response to the Kenosha Guard event, or if this is still unclear.

Appreciate your time.

Lois

---  
Lois Beckett  
Senior Reporter  
[The Guardian](#)

[lois.beckett@theguardian.com](mailto:lois.beckett@theguardian.com)  
Cell/Signal/WhatsApp: **585-410-5435**



[1111 Broadway](#)  
[Oakland, CA 94607](#)  
[theguardian.com/us](#)

---

This e-mail and all attachments are confidential and may also be privileged. If you are not the named recipient, please notify the sender and delete the e-mail and all attachments immediately. Do not disclose the contents to another person. You may not use the information for any purpose, or store,



or copy, in any way. Guardian News & Media Limited is not liable for any computer viruses or other material transmitted with or as part of this e-mail. You should employ virus checking software.

Guardian News & Media Limited is a member of Guardian Media Group plc. Registered Office: PO Box 68164, Kings Place, 90 York Way, London, N1P 2AP. Registered in England Number 908396

## David Wright

---

**From:** Shannon <scgeaslin@gmail.com>  
**Sent:** Wednesday, August 26, 2020 10:28 AM  
**To:** Michael Graveley;district1@kenosha.org;district2@kenosha.org;district3@kenosha.org;Horace Staples;info@kenosha.org;Jeffrey Gentz;mayer@kenosha.org;Terry Rose;webcityattorney@kenosha.org;William Grady  
**Subject:** Demanding justice for Jacob Blake & the victims of Kyle Rittenhouse

Hello,

I am reaching out to let you know that the actions taken against Jacob Blake by all of the Kenosha PD officers that were involved were completely unwarranted, absolutely disgusting, and show gross misconduct and negligence on behalf of the Kenosha PD.

There is truly nothing and no excuse that would be able to justify that type of violent reaction: SHOOTING AN INDIVIDUAL 7 TIMES AT POINT BLANK IN THEIR BACK.

Also, I want to reach out in regard to the murders and attempted murder committed by Kyle Rittenhouse (or Kyle Lewis) of Antioch, IL who, with the help of the Kenosha PD's lack of interference, killed two and injured a third during a protest in Kenosha on 8/25. Kyle walked past multiple police officers with an AR-15. THIS COULD'VE BEEN PREVENTED.

With whatever power or influence you hold, it is your responsibility to make sure these officers and Kyle Rittenhouse are held accountable for their actions. Accountability to me looks like - charging all of the officers involved with attempted murder, abuse of power, etc and firing them from the police force to make sure that no this disregard for human life and blatant racism does not happen again. No amount of department sanctioned trainings will correct behaviors like this. Kyle Rittenhouse should be arrested and charged immediately, and the members of the militia named "Kenosha Guard" should be reprimanded and the Facebook group should be deleted for encouraging violence and racist ideals.

Thanks for your time,  
Shannon Geaslin  
Milwaukee resident - previous resident of Kenosha

## David Wright

---

**From:** Troy Barnett  
**Sent:** Tuesday, August 25, 2020 7:39 PM  
**To:** MW\_CP  
**Subject:** RE: potential group meeting near CP

Teams have been notified.

---

**From:** MW\_CP [mailto:MW\_CP@fbi.gov]  
**Sent:** Tuesday, August 25, 2020 7:30 PM  
**To:** Adkins, Jonathan T. (MW) (FBI) <jtadkins@fbi.gov>; Sisk, Trevor A. (MW) (FBI) <tasisk@fbi.gov>; Miller, Maria (MW) (FBI) <mtmiller1@fbi.gov>; Mitch Swanson <Mitch.Swanson@kenoshacounty.org>; Marinos, Karen A. (MW) (FBI) <kamarinos@fbi.gov>; Troy Barnett <Troy.Barnett@kenoshacounty.org>  
**Subject:** potential group meeting near CP

Per the Kenosha Guard Facebook event..

"Wisconsin State Patrol just stated that there were over 600 cars in a caravan traveling down I-94 near Oak Creek. Many had plates from Minnesota. Meet up for them is apparently Bradford high school."

Another post in a different Facebook thread mentioned 600 vehicles were coming from Minneapolis

## David Wright

---

**From:** Troy Barnett  
**Sent:** Tuesday, August 25, 2020 7:34 PM  
**To:** MW\_CP  
**Subject:** RE: potential group meeting near CP

Thank you.

---

**From:** MW\_CP [mailto:MW\_CP@fbi.gov]  
**Sent:** Tuesday, August 25, 2020 7:30 PM  
**To:** Adkins, Jonathan T. (MW) (FBI) <jtadkins@fbi.gov>; Sisk, Trevor A. (MW) (FBI) <tasisk@fbi.gov>; Miller, Maria (MW) (FBI) <mtmiller1@fbi.gov>; Mitch Swanson <Mitch.Swanson@kenoshacounty.org>; Marinos, Karen A. (MW) (FBI) <kamarinos@fbi.gov>; Troy Barnett <Troy.Barnett@kenoshacounty.org>  
**Subject:** potential group meeting near CP

Per the Kenosha Guard Facebook event..

"Wisconsin State Patrol just stated that there were over 600 cars in a caravan traveling down I-94 near Oak Creek. Many had plates from Minnesota. Meet up for them is apparently Bradford high school."

Another post in a different Facebook thread mentioned 600 vehicles were coming from Minneapolis

## David Wright

---

**From:** MW\_CP <MW\_CP@fbi.gov>  
**Sent:** Tuesday, August 25, 2020 7:30 PM  
**To:** Adkins, Jonathan T. (MW) (FBI); Sisk, Trevor A. (MW) (FBI); Miller, Maria (MW) (FBI); Mitch Swanson; Marinos, Karen A. (MW) (FBI); Troy Barnett  
**Subject:** potential group meeting near CP

Per the Kenosha Guard Facebook event page..

"Wisconsin State Patrol just stated that there were over 600 cars in a caravan traveling down I-94 near Oak Creek. Many had plates from Minnesota. **Meet up for them is apparently Bradford high school.**"

Another post in a different Facebook thread mentioned 600 vehicles were coming from Minneapolis

## David Wright

---

**From:** David Chisari <david.chisari@gmail.com>  
**Sent:** Tuesday, August 25, 2020 7:01 PM  
**To:** Michelle Battellini; David.Beth@kenoshacounty.com; marc.levin@kenoshacounty.com  
**Cc:** John.antaramian.kenoshacounty.co.lm@gmail.com  
**Subject:** Kenosha Guard  
**Attachments:** Screenshot\_20200825-175638.png; Screenshot\_20200825-181914.png; Screenshot\_20200825-181934.png; Screenshot\_20200825-181948.png; Screenshot\_20200825-182030.png

Hello Kenosha County Sherrifs Department,

I am writing to bring up concern about a Facebook group "Kenosha Guard" and associated event on 8/25/2020. This group is a self proclaimed militia group and is planning an event counter the peaceful protest (very different than the later out of towners looters and rioters). This event is not a peaceful counter protest and is (self proclaimed in numerous comments) a call to arms. This is terroristic threats and should not be tolerated. What is being done to protect lawful citizens that are exercising their Constitutional rights of assembly, from domestic terrorist groups like Kenosha Guards.

Screen shot attachments.

Sincerely a Concerned Citizen,

David Chisari

AUG  
25

# Armed Citizens to Protect our Lives and Property

Public · Event · by Kenosha Guard

Message



Interested



Going



Share

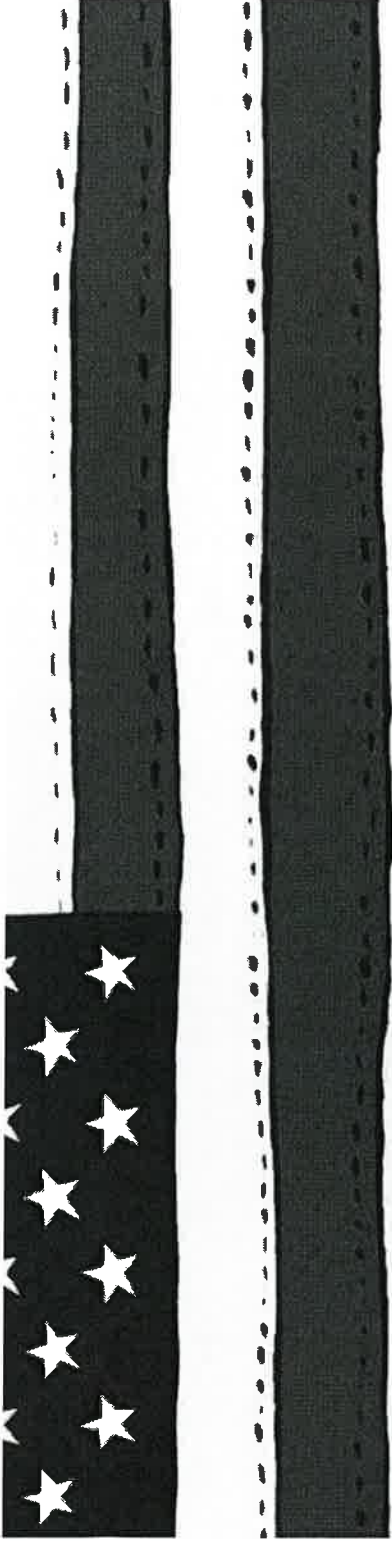


More



Aug 25 at 6 PM – Aug 26 at 5 AM

Starts within an hour



AUG  
25

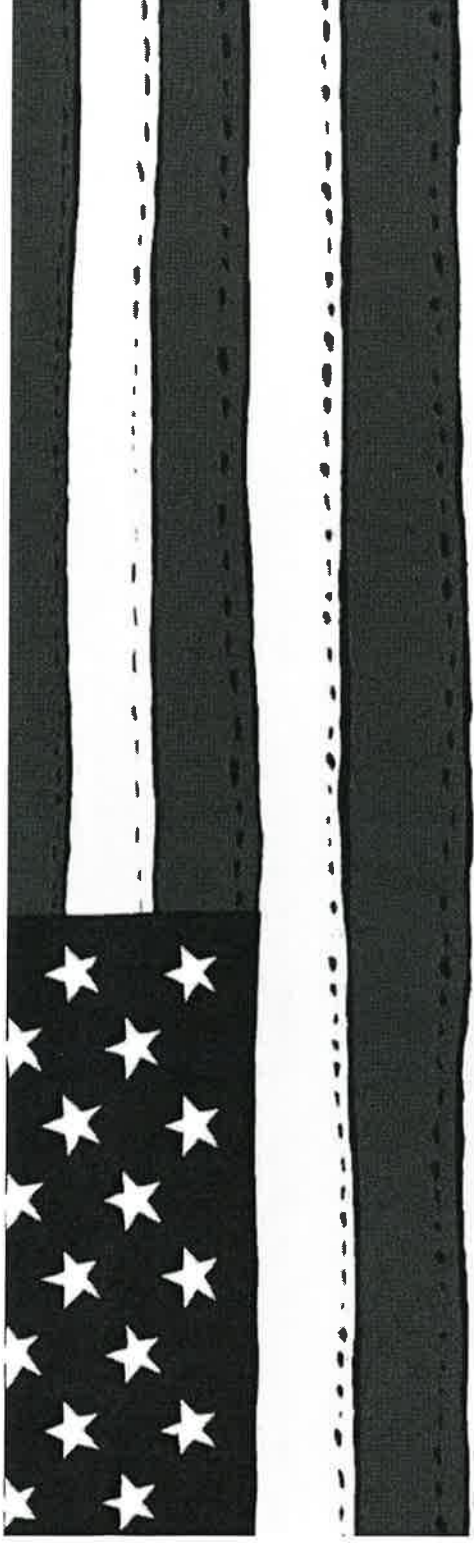
# Armed Citizens to Protect our Lives and Property

Public · Event · by Kenosha Guard

Message

- Interested
- Going
- Share
- More





# Kenosha Guard

Social Club



Like



1,321 people like this

- Home
- Posts
- Reviews
- Photos
- Events

About

 Suggest Edits



**Kenosha Guard**

37 mins · 



Chief Miskinis,

As you know I am the commander of the Kenosha Guard, a local militia. We are mobilizing tonight and have about 3,000 RSVP's. We have volunteers that will be in Uptown, downtown, and at the entrances to other neighborhoods.

Our effort has made national media.

... More



45

14 Comments 13 Shares



Like



Comment



Share

Causes · 4,616 people

   48

11 Comments



Like



Comment



Share



**Kenosha Guard**

7 hrs · 



Any patriots willing to take up arms and defend out City tonight from the evil thugs? Nondoubt they are currently planning on the next part of the City to burn tonight!

   80

75 Comments 71 Shares



Like



Comment



Share



**Kenosha Guard**

## David Wright

---

**From:** MW\_CP <MW\_CP@fbi.gov>  
**Sent:** Tuesday, August 25, 2020 1:42 PM  
**To:** Amberg, John S. (MW) (OGA);Sisk, Trevor A. (MW) (FBI);Mitch Swanson;Troy Barnett;Fafalios, Spiros L. (MW) (FBI);Soule, Jason J. (MW) (FBI);Marinos, Karen A. (MW) (FBI);Adkins, Jonathan T. (MW) (FBI);Sheen, Michael (MW) (FBI)  
**Cc:** McWilliams, Gwendalyn A. (MW) (FBI);Thao, Rhaoda (MW) (FBI);Matyas, Cheryl L. (MW) (FBI);Marcino, Kali D. (MW) (FBI)  
**Subject:** RE: Situational Awareness

More info-

-As of 25 August 2020, 1215hrs, according to FBI Social Media Team and Kenosha County Sheriff's Department , two demonstrations are to occur in Kenosha today. First led by Peoples Revolution organized by Khalili Coleman who plans to lead a vehicular assembly to Kenosha from Milwaukee to the city of Kenosha. In addition another group called "Armed Citizens to Protect Our Lives and Property are also planning on organizing at 2000hrs at 25 August 2020 at a park in Kenosha. The group refers to themselves as the "Kenosha Guard" and the post encourages members to take up arms. (Note- these groups are of conflicting ideologies and could potentially be a flashpoint for violence, -We have no intelligence at this time to indicate either group plans on inciting violence, but will continue monitor.

The People's Revolution (aka TPR) has a public Facebook group

- Khalil Coleman posted at approximately 1215 hours that they will meet at Rose Park in Milwaukee (located at MLK and Chambers) at 1700 hours. They will then leave for Kenosha at 1800 hours.

Another group that could potentially clash with the Peoples Revolution-

An individual named Seann Page shared an event on the TPR page saying "Heads up"

- The public event is entitled "Armed Citizens to Protect our Lives and Property"
- The event was started by a public group called "Kenosha Guard"
- The event is for 2000 on 25 August 2020 and encourages members to "take up arms"
- It says to meet at the civic center park located at 900 57<sup>th</sup> St, in Kenosha

- Tom

T. Ridolfo  
FBI Milwaukee  


---

**From:** MW\_CP

**Sent:** Tuesday, August 25, 2020 1:10 PM

**To:** Amberg, John S. (MW) (OGA) <jsamberg@fbi.gov>; Sisk, Trevor A. (MW) (FBI) <tasisk@fbi.gov>; Mitch.Swanson@kenoshacounty.org; Troy.barnett@kenoshacounty.org; Fafalios, Spiros L. (MW) (FBI) <slfafalios@fbi.gov>; Soule, Jason J. (MW) (FBI) <jsoule@fbi.gov>; Marinos, Karen A. (MW) (FBI) <kamarinos@fbi.gov>; Adkins, Jonathan T. (MW) (FBI) <jtadkins@fbi.gov>

**Cc:** McWilliams, Gwendalyn A. (MW) (FBI) <gamcwilliams@fbi.gov>; Thao, Rhaoda (MW) (FBI) <rthao@fbi.gov>

**Subject:** Situational Awareness

The Peoples Revolution are planning (again) to conduct a vehicular drive down to Kenosha today. Its led by Khalil Coleman,

They will meet in Milwaukee (D5) Rose Park (MLK/Chambers) at 5PM tonight and depart for Kenosha.

STAC is Aware.

Any further intelligence, please pass along- we will monitor Khalil's social media

Thanks-Tom

T. Ridolfo

Supervisory Intelligence Analyst

FBI Milwaukee  
[REDACTED]