

Florida shooting focuses attention on “Stand Your Ground” laws

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The Florida shooting death of 17-year-old Trayvon Martin has focused attention on so-called Stand Your Ground laws that have been adopted in as many as 21 US states. These laws give people wide latitude to use deadly force inside and outside the home rather than retreat, and to claim self-defense.

Trayvon Martin, a black high school student, was shot and killed on February 26 in a predominantly-white gated community in Sanford, Florida by George Zimmerman, 28, who was patrolling the neighborhood as a citizen watchman.

The failure of police to arrest Zimmerman in connection with the killing has sparked a nationwide outcry. On Monday, the US Justice Department announced that its Civil Rights Division would investigate the killing. (See “Federal authorities to investigate Florida shooting death of black teenager”)

Trayvon was killed by one shot to the chest from Zimmerman’s 9mm semiautomatic handgun. The young man was unarmed and was carrying only candy, a can of iced tea and some cash at the time of his death. A voice heard calling out for help on one 911 call before the fatal shooting has been identified by Trayvon’s mother as her son’s.

A series of 911 calls received from Zimmerman and others that evening indicates that Zimmerman was following Trayvon in his SUV, and pursued him on foot despite being told by dispatchers to wait for police. In a cell phone conversation between Trayvon and a friend obtained by the attorney for the boy’s family, Trayvon describes Zimmerman following him. Residents report some type of confrontation taking place between the two before the shooting.

Zimmerman told police that he was attacked by Trayvon after he had given up chasing him and was returning to his truck. Sanford police on the scene

accepted his claims of self-defense. In a statement Wednesday, Sanford Police Chief Bill Lee said his officers were “prohibited from making an arrest based on the facts and circumstances they had at the time.” Lee insists that under Florida law, it is now up to prosecutors to determine whether to bring charges against Zimmerman.

Florida’s Stand Your Ground law was adopted in 2005 and signed by the Republican governor at the time, Jeb Bush. The law allows people to use deadly force in places outside the home when an individual has reasonable fear that an assailant could seriously harm them or someone else.

The Florida bill and similar laws in other states codify and expand the reach of what has been called the Castle Doctrine, which asserts that a person has the right to defend his or her home if the person is in fear of “great bodily injury.” The principle that “a man’s home is his castle” has its roots in English common law.

The Stand Your Ground laws promote vigilante-style justice, allowing people to use deadly force in public places such as neighborhoods, the workplace or public parks—anywhere they have the legal right to be. Individuals are also not required by law to remove themselves from the perceived dangerous situation. These laws have gained favor in the environment of law-and-order hysteria promoted by the political establishment and media.

Specifically, the Florida law states that a person “who is attacked” anywhere where he or she is lawfully present has “no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm.” Once self-defense becomes an issue at trial, the

prosecution carries the heavy burden of proving beyond a reasonable doubt that the defendant did not act in self-defense.

The Florida law emerged following a case in the aftermath of Hurricane Irene in 2005, when a man shot and killed a burglar who was reportedly trying to break into his RV. The man was not charged. The case encouraged then-Florida state Senator Durell Peaden, a Republican, to introduce a bill in the state legislature, SB 436, dealing with similar situations. The Stand Your Ground legislation passed with wide bipartisan support, with only 20 legislators voting against it.

The National Rifle Association (NRA) vigorously supported the law, and NRA lobbyist Marion Hammer was its chief promoter. She attacked all those who opposed SB 436—including the National District Attorneys Association, the Florida Prosecuting Attorneys Association and police chiefs from several major cities—as “bleeding heart criminal coddlers,” who wanted Floridians to “turn around and run” instead of protecting their families and property.

Since the passage of the law, so-called justifiable homicides have skyrocketed in Florida. According to Democratic state Senator Oscar Braynon of Miami, there were 43 such cases in 2005, and that number had jumped to 105 by 2009, the latest year for which statistics are available.

These figures have also risen nationally. In 2010, the last full year measured by the FBI, the agency reports there were 278 justifiable homicides, the most in 15 years. As the FBI uses a more restrictive methodology than Florida, counting only those people killed during the commission of a felony, the numbers are likely much higher.

Since passage of the Florida legislation, the NRA and gun lobby have been emboldened to push for more states to adopt similar laws. While there is some overlap between the Castle Doctrine and Stand Your Ground laws, as of January 2012, 30 states currently had some version of the Castle Doctrine, while at least 17 of these states had versions of the more forceful Stand Your Ground law.

While states in the South and West tend to have stronger forms of such reactionary legislation, some version of these laws are also on the books in Michigan, Indiana, North Dakota, South Dakota, Idaho and Alaska.

A double killing in Texas is representative of the type of aggressive violence that is encouraged by these laws. In 2007, looking out his window in Pasadena, Texas, Joe Hom saw two black men in his neighbor’s yard that he perceived to be carrying out a burglary. As reported by Liliana Segura on AlterNet.org in 2008:

“I’ve got a shotgun,” Horn told the 911 dispatcher. “You want me to stop him?”

The dispatcher tried to talk him down. “Nope, don’t do that,” he told Horn. “Ain’t no property worth shooting somebody over, OK?”

It was not OK with Horn. With the dispatcher still on the phone, he grabbed his gun, went outside, yelled, “Move, you’re dead!”—and shot the two men in the back.

Hom claimed that “he was afraid for his life,” despite the fact that the 911 tapes clearly showed he was never in danger and that he in fact pursued the two men on his neighbor’s property. A grand jury failed to indict him in 2008, largely due to Texas’s version of the Castle Doctrine, which came into effect in 2007.



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