



Sen. Dick Durbin Chairs Divisive "Stand Your Ground" Hearing

November 1, 2013

On October 29th, the Senate Judiciary Committee held a hearing chaired by Sen. Dick Durbin titled, "Stand Your Ground Laws: Civil Rights and Public Safety Implications of the Expanded Use of Deadly Force." Present were several witnesses who attacked not only SYG laws, but also the Right-to-Carry, and even the American jury system. An overarching theme of the testimony alluded that Americans are too prejudiced to be trusted to exercise their right to self-defense. Thankfully, there were some witnesses who stood on the side of freedom and defended the right to self-defense against the divisive and inaccurate attacks, and made the case that laws protecting this right are sound public policy.

The first witness, Rep. Marcia Fudge (D-Ohio), offered a full-throated attack on the right, decrying SYG laws as "unjust and inherently biased." Fudge also accused law enforcement of racial bias in administering such laws, stating, "[t]he enforcement of stand your ground laws too often rely on the decisions of those with cultural biases on when a person's life is in danger." Rep. Luis Guitierrez (D-Ill.) followed Fudge's lead, claiming that, SYG laws, "exacerbate the mistrust of police of a minority community." Guitierrez went on to mischaracterize SYG laws as "shoot first" laws and criticized "the gun lobby" for trying to make gun ownership for self-defense "socially and legally acceptable."

During his testimony, Harvard Law Professor Ronald Sullivan incorporated the themes of the previous witnesses and also shared his opinion of the highly publicized case involving George Zimmerman and Trayvon Martin. Coming to a different conclusion than that of the jury who acquitted Zimmerman, Sullivan theorized that Zimmerman was motivated by racism and that he shot Martin as Martin was attempting to defend himself from attack. In a radical statement, Sullivan noted that as a result of the Zimmerman case, residents of Florida are led to believe "they can incorrectly profile young black children, kill them, and be protected by stand your ground laws."

One of the witnesses who defended the right to self-defense was Senior Fellow in Constitutional Studies at the Cato institute Illya Shapiro. Shapiro's testimony made clear that that the concept of no duty to retreat has been part of the American legal tradition dating back 150 years and that

it is the law in 31 states. Shapiro went on to note that the Supreme Court enshrined the concept in federal law with the 1895 case of *Beard v. United States*, and that as an Illinois state senator, Barack Obama sponsored an expansion of the state's self-defense laws.

Economist and gun rights scholar John R. Lott also offered testimony refuting the charges that SYG laws are racist. Lott explained that in Florida, African Americans and Latinos successfully avail themselves of SYG law protections at a higher rate than whites. He also noted that those groups who are most often the victims of violent crime, including low-income African Americans, stand to benefit the most from strong self-defense laws.

Joining Shapiro and Lott in upholding the right to self-defense was Sen. Ted Cruz (R-Texas). Cruz correctly explained that SYG laws offer no defense to the aggressor of a violent confrontation and reiterated Lott's argument regarding the successful use of self-defense laws by minority victims of violence.

Unfortunately, Sen. Durbin made clear during the hearing his intentions to further pursue his attack on SYG laws. This development is even more disturbing considering self-defense laws fall well within a state's police power, and are thus not the purview of the federal government. Rest assured the NRA will monitor, and alert our members to, any movements on this issue, whether at the state or federal level.