



Opponents Distort the Meaning of Stand Your Ground Law

That's ridiculous, of course, but it's not far from the way some people are describing the "Stand Your Ground" law that is at the center of the controversy generated by the fatal shooting in Sanford, Florida, of an unarmed teenager named Trayvon Martin and the long delay in arresting and charging George Zimmerman, the neighborhood watch coordinator who has admitted shooting Martin, but claims it was in self-defense. The incident has received reams and hours of publicity, in no small part because of race and ethnic factors. Martin was a 17-year-old African-American. Zimmerman, 28, is (on his mother's side) Hispanic.



According to some news reports, Zimmerman and his lawyer plan to make Florida's "Stand Your Ground" law a part of their defense against the charge of second-degree murder filed against Zimmerman by the Florida special prosecutor appointed to handle the case. The law, backed by the National Rifle Association, eliminates the requirement that a person retreat, when retreat is possible, from an attack in any place, public or private, where that person has a right to be. And it allows a person to use deadly force, if necessary, to defend his own or another's life or limb. Yet New York Mayor Michel Bloomberg claims to see nothing of self-defense in the legislation.

"This has nothing to do with gun owners' rights, nothing to do with the second amendment," the [mayor said](#) last week in announcing a national campaign to repeal the law in Florida and in the 24 other states that have enacted similar or identical legislation. "Plain and simple, this is just trying to give people a license to murder." The [New York Times](#) editorialized in similar fashion Tuesday in celebrating the fact that a number of corporations (McDonald's, Wendy's, Coca-Cola, and Pepsico among them), "responding to pressure from activists and consumers," have ended their contributions to the conservative American Legislative Exchange Council, which has promoted the enactment of a number of measures in state legislatures, including "Stand Your Ground" laws and voter ID bills, that the *Times* and the liberal-left have labeled as "controversial."

"The corporations abandoning ALEC aren't explicitly citing the Stand Your Ground statutes as the reason for their decision," the *Times* noted. "But many joined the group for narrower reasons, like fighting taxes on soda or snacks, and clearly have little interest in voter ID requirements or the N.R.A.'s vision of a society where anyone can fire a concealed weapon at the slightest hint of a threat."

The "slightest hint of a threat"? That's not the way the law reads and one might reasonably expect an editorial writer of the *New York Times* to know that. After asserting the right to use lethal force against someone breaking into one's home, often called the "castle doctrine," the relevant portion of the Florida statute says the following:

A person who is not engaged in an unlawful activity and who is attacked in any other place where



Written by [Jack Kenny](#) on April 18, 2012

he or she has a right to be 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 to himself or herself or another or to prevent the commission of a forcible felony.

The "sensational reporting from Florida" that Wayne LaPierre condemned at the NRA gathering in St. Louis this past weekend has been outdone by sensational editorializing in New York. For one thing, it is not at all clear that the Stand Your Ground law will have any bearing on the outcome of the Zimmerman case. Few would argue that Zimmerman was wrong to continue to trail Martin, whom he suspected of being an intruder in the gated community, after the police dispatcher told him not to. But Zimmerman claimed Martin then attacked him, and the [police report](#) describing Zimmerman with a bloody nose and a wound in the back of his head is consistent with reports of an eyewitness account of Zimmerman on his back being beaten. If that is true, then he might have had no means to retreat if he wanted to.

A jury will have to decide whether Martin was under attack and whether he could reasonably believe that attack would result in either his death or serious bodily injury. The jurors will decide if a reasonable person, under the circumstances, would conclude that the use of deadly force was necessary to prevent that outcome. But one thing should be clear to most reasonable people, a category one might hope would be broad enough to cover editorial writers at the *New York Times*: No jury black or white, Hispanic or Anglo-Saxon, is likely to acquit Zimmerman if it concludes he used deadly force against "the slightest hint of a threat."



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