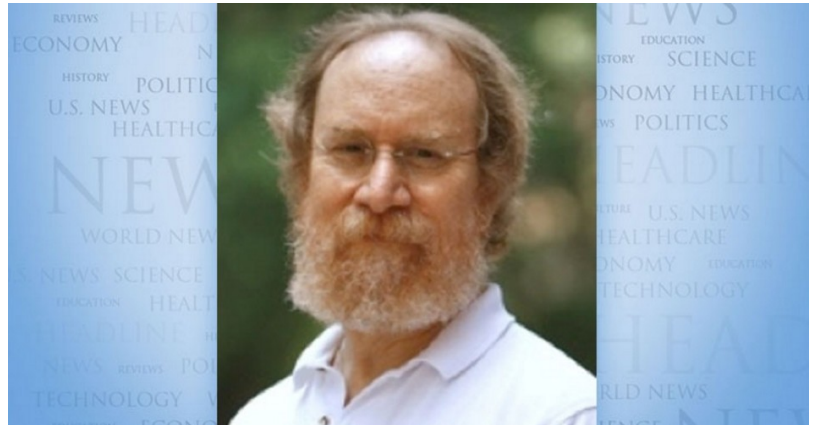




Written by [Sheldon Richman](#) on July 17, 2013

## Zimmerman Case Is No Grounds for Gun Control

From the beginning, people who would ban all private guns if they could have used the George Zimmerman case to push their agenda. They push on two fronts: First, they argue that Zimmerman's 2012 fatal shooting of Trayvon Martin, who had no gun, demonstrates that guns are an unmitigated evil. Second, the anti-gun lobby is using the case to agitate for the repeal of "stand your ground" laws, which are on the books in many states.



It is hard to see how this case, in which Zimmerman was acquitted of murder and manslaughter, condemns gun ownership or concealed carry. Zimmerman claims he shot Martin in self-defense. The prosecution was unable to impeach that claim. It's true that Martin had no gun and Zimmerman did. For many people, this in itself proves that Zimmerman used his gun unjustifiably, hence demonstrating that guns are bad per se.

But that makes no sense. Are we to believe that a gun is the only means of threatening a person with death or serious injury? People were killed by a variety of means before guns existed, including fists. So there is no prima facie case that a gun was used improperly merely because the person shot had no firearm. (In the murder case, the jurors apparently believed Zimmerman's account that Martin knocked him down with a sucker punch to the face, then sat on his chest, banging his head against the pavement.)

Thus the Zimmerman case furnishes no ammunition — pun intended — for gun controllers. How could a justifiable homicide — the jury's finding — provide evidence for banning or restricting guns?



We may go further and note that even a guilty verdict would have been no grounds for gun control. No matter what gun laws are on the books, bad guys will always get firearms. Gunrunning is as old as guns themselves. It is only the innocent who would be without guns, and that means more murders, more rapes, more assaults. The answer to gun violence is not to deprive the innocent of guns.

Let's move on to "stand your ground" laws. Many states have passed these laws to clarify the law of self-defense. It is an old principle that one may use deadly force to defend one's life (or other innocent life) in one's own home. In other words, one has no "[duty to retreat](#)." Elsewhere, however, there is a general duty to retreat. If you are threatened but can get away safely, the law requires you to do so rather than confronting the threat. This rule presumably evolved to prevent escalation of violence and to preserve the peace. The "stand your ground" principle clarifies things by holding that if one cannot retreat safely from a deadly or other serious threat when away from home, one may use deadly force to counter the threat. That's all it does. It does not permit one to shoot someone else casually with impunity.

You may be asking what this has to do with George Zimmerman. The answer is — nothing. Zimmerman did not invoke "stand your ground" after the shooting last year. He could have asked for a hearing on the matter, but he did not. (Had he prevailed in that hearing, there would have been no murder trial.) The reason Zimmerman did not invoke the principle is obvious: His account of events rules out "stand your ground." Remember, he claims that Martin knocked him down with a blow and then sat



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on his chest beating him. If you're on the ground, you can't stand your ground.

Ironically, Martin's actions look more like a case of "stand your ground." The prosecution's account is that Martin saw Zimmerman following him. The residence to which Martin was walking was a short distance away, but instead of retreating for protection, he ended up in the deadly altercation. Why? If he felt he could not retreat safely, then he was standing his ground when he confronted Zimmerman.

"Stand your ground" is reasonable law. The Zimmerman case provides no reason to repeal it.

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