



Written by [Bob Adelman](#) on July 23, 2013

McCain Wants “Stand Your Ground” Laws Reviewed, Just Like Obama and Holder

Within days of Attorney General Eric Holder and President Barack Obama strongly suggesting that “stand your ground” laws now enacted in more than 25 states be reconsidered, Arizona Republican Senator John McCain (shown) reiterated those same suggestions almost verbatim. First, on Sunday McCain [told Candy Crowley](#) on CNN’s State of the Union that while



no one I know of has said [that the Zimmerman verdict] is flawed or corrupt, or that’s there’s anything wrong with the system of justice, I can also see that the “stand your ground” law may be something that needs to be reviewed by the Florida legislature, or any other legislature.

When pressed, McCain said his own state of Arizona, which has enacted a “stand your ground” statute, [also ought to look at it again](#), because “it is a very controversial [piece of] legislation.”

On Monday McCain [found himself on Newsmax TV](#) echoing the same sentiment: “There is a great deal of controversy associated with this [stand your ground] legislation and we ought to review the results of it ... I’m not making a judgment on [it], I’m just saying it has obviously created a great deal of controversy in this country and it deserves to be reviewed.”

On Tuesday, July 19, AG Eric Holder [told an NAACP audience](#), “It’s time to question laws that senselessly expand the concept of self-defense and sow dangerous conflict in our neighborhoods.” This was followed by impromptu remarks from the president [on Friday](#), in which he mentioned:

I think it would be useful for us to examine some state and local laws to see if they are designed in such a way that they may encourage the kinds of altercations and confrontations and tragedies that we saw in the Florida case, rather than diffuse potential altercations.

Simply put, Republican-In-Name-Only John McCain was acting as an echo chamber for radical positions against laws that have been long been established and defended and promoted successfully for decades. In fact, McCain’s own state of Arizona has a “stand your ground” law that Governor Jan Brewer signed into law and then vigorously defended [when asked about it last week](#): “I support ‘stand your ground.’ I think it’s important. I think it’s a constitutional right.”

So does the Supreme Court. As reviewed [here](#), constitutional scholar and Second Amendment expert David Kopel published his analysis of a dozen self-defense cases that the Supreme Court ruled upon in the 1890s which laid the groundwork for the case — *Beard v. United States* — that “became the most important armed self-defense case in American legal history, upholding and extending the right to self-defense,” according to Kopel. In that case, decided in 1921, a man named Hermes, who had twice



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assaulted Brown with a knife and vowed he would kill him the next time, did in fact attack Brown a third time. Brown ran to his coat where he kept a pistol, retrieved it in time to prevent Hermes from stabbing him, shooting him dead instead. Justice Oliver Wendell Holmes, Jr., who wrote the opinion, said:

The right of a man to stand his ground and defend himself when attacked with a deadly weapon, even to the extent of taking his assailant's life, depends upon whether he reasonably believes that he is in immediate danger of death or grievous bodily harm from his assailant, and not upon the detached test whether a man of reasonable prudence, so situated, might not think it possible to fly with safety or to disable his assailant, rather than kill him....

Many respectable writers agree that, if a man reasonably believes that he is in immediate danger of death or grievous bodily harm from his assailant, he may *stand his ground*, and that, if he kills him, he has not exceeded the bounds of lawful self-defense. That has been the decision of this Court [in] *Beard v. United States*.

Detached reflection cannot be demanded in the presence of an uplifted knife. [Emphasis added.]

That final statement has become, according to Kopel, "a part of American folk wisdom, further influencing the tendency of the American mind against retreat."

But Obama, Holder, and now McCain want to call into question this "controversial" law that has been settled for nearly 100 years and adopted by more than 25 states. Why would they do this? Is there an ulterior motive? If so, is it to "clarify" something that is already crystal clear? Or is there another motive behind turning this molehill into a mountain? Kopel thinks so:

The same moral imperative which is reflected in laws against murder requires that victims be able to use whatever force is necessary to defend themselves and their families from murder attempts.

If the state ignores the moral imperative of self-defense, the state loses its moral authority.

Photo of Sen. John McCain (R-Ariz.): AP Images

A graduate of Cornell University and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics. He can be reached at badelman@thenewamerican.com.

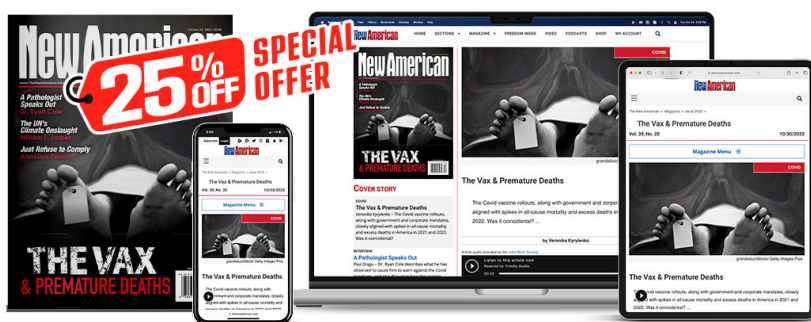


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