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“Stand Your Ground” Nation

America used to value the concept of retreat. Now we just shoot.

By [Dahlia Lithwick](#)



Supporters gather around a cross during a candlelight vigil at a memorial to Trayvon Martin in Sanford, Fla., on March 25, 2012. Post-Trayvon, aggressive human interactions follow a painfully familiar pattern.

Ever since George Zimmerman gunned down [Trayvon Martin in his Sanford, Fla.,](#) gated community, it's become an article of faith that the rash of lethal shootings in public places—from the Florida moviegoer who was killed after a [texting and popcorn-throwing incident](#) to [Jordan Davis](#), shot in his car at a Jacksonville, Fla., gas station to last week's lethal shooting in an Arizona Walmart—is attributable to the “stand your ground” laws enacted over the past decade in 26 states across the country. Aggressive

human interaction, post-Trayvon, now follows a painfully familiar pattern: An altercation occurs. Someone says he feared for his life. An unarmed victim (often young, black, and male) is shot and killed. The headlines either explicitly or implicitly invoke “stand your ground.”

Last week, Kriston Charles Belinte Chee, an unarmed man, got into a fight with Cyle Wayne Quadlin at a Walmart in suburban Arizona. [Quadlin opened fire midargument and killed Chee. Officers decided not to charge Quadlin](#) because, they concluded, the killing was in self-defense. According to the police spokesman, “Mr. Quadlin was losing the fight and indicated he ‘was in fear for his life.’” Just a week earlier, a jury in Jacksonville, Fla., [found Michael Dunn guilty](#) on four counts of attempted murder but did not convict him on the most serious charge of first-degree murder, in the death of 17-year-old Jordan Davis. Dunn shot and killed Davis, also unarmed, because the music coming from his car was too loud. Dunn claimed he saw something like a gun in the vehicle, and that was apparently enough for some members of the jury to conclude that Dunn hadn't committed first-degree murder.

Given all this, it's not unreasonable to argue that, in America, [you can be shot and killed](#), without consequences for the shooter, for [playing loud music](#), [wearing a hoodie](#), or shopping at a Walmart. The question is whether the wave of “stand your ground” legislation is to blame.

Let's first define terms: “Stand your ground” laws are [different from the Castle Doctrine](#), which has its roots in centuries-old British common law and allows you to use force to protect yourself in your home. “Stand your ground” essentially provides that you can bring your castle wherever you go. The rule allows you to shoot first, not just in your home, but anyplace you have a right to be and is a much newer, and more controversial, proposition.

(The first “stand your ground” law was enacted in [Florida in 2005](#).) Historically, United States self-defense laws have followed [British common law by imposing a duty to retreat](#), requiring those in a dangerous situation to try to withdraw (if they could do so safely) before resorting to killing. (Under the Castle Doctrine there is no duty to retreat because you’re already home, in your safe haven.) “Stand your ground” by design cancels out the duty to retreat and, in sum, allows you to shoot first if you feel your life is in danger, just like you can do at home. The relevant language in Florida’s self-defense statute provides just that: “A person is justified in the use of deadly force and does not have a duty to retreat if: He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.”

Legal purists on both sides of the gun debate argue that neither Zimmerman nor Dunn even invoked the “stand your ground” defense in their cases. In their view, the doctrine has been unfairly blamed. [Dan Abrams argues](#) that “neither defendant invoked the controversial aspects of Florida’s law. In fact, both defendants argued basic self defense law that would have been similar in just about every state in the nation.” [David Kopel similarly points out](#) that “the assertion that Stand Your Ground may have been a reason why the [Dunn] jury hung on the first degree murder charge is totally implausible. The three convictions for second-degree murder show that the jury had determined there was no self-defense; ergo, jury confusion about self-defense was not the reason why the jury deadlocked on first-degree murder.”

Every time we hear about a Zimmerman or a Dunn, we get a little bit closer to believing that we need to become a Zimmerman or a Dunn to protect ourselves.

But [Nicole Flatow at ThinkProgress](#) contends that “stand your ground” had everything to do with both cases. As she writes, “Dunn’s lawyer Cory Strolla cited Florida’s Stand Your Ground law in his closing argument: ‘His honor will further tell you that if Michael Dunn was in a public place where he had a legal right to be, he had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force.’” Moreover, in both the Zimmerman and Dunn trials, the provision was included in the jury instructions. (Some say that this is immaterial because jurors are often read instructions that do not apply to the case before them. But do jurors know that?)

It’s clear that at least some of the jurors in both cases took the principle of “stand your ground” into account to some degree during deliberations. We now know that at least [one juror, and possibly two](#), in Dunn’s trial took to heart the specific instruction that Dunn “had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force.” Whether or not jurors in Florida are technically instructed to apply the “stand your ground” component of self-defense law, it’s increasingly clear that they are, at minimum, confused about it (understandably) and may even be starting to apply it reflexively. Yes, Dunn’s attorney argued traditional self-defense. But, as former assistant U.S. attorney David Weinstein told the Associated Press, “I think people will say that because some of the language from the stand your ground statute gets embedded into the jury instructions, that stand your ground has an effect.”

I might go further. I might say that whether or not specific jurisdictions define self-defense to include a duty to retreat, and whether or not specific juries are charged to apply it, America is quickly becoming one big “stand your ground” state, as a matter of culture if not the letter of the law.

The fact that “stand your ground” defenses have been staggeringly successful in Florida in recent years ([one study shows](#) it’s been invoked more than 200 times since being enacted in 2005 and used successfully in 70 percent of the cases) suggests that it’s been embedded into more than just jury instructions. Perhaps unsurprisingly, a [Tampa Bay Times study from 2012 shows](#) that “as ‘stand your ground’ claims have increased, so too has the number of Floridians with guns. Concealed weapons permits now stand at 1.1 million, three times as many as in 2005 when the law was passed.” Put bluntly: As Floridians sense that other Floridians plan to shoot first, they buy more guns. Think about it: The National Rifle Association that has pushed so hard for “stand your ground” laws in recent years is the same National Rifle Association that has put so many guns, and such lethal guns, in so many hands—concealed carry, open carry, wave-it-around-and-call-it-free-speech carry. The gun lobby has single-handedly made

certain that the very definition of what one might reasonably expect from an altercation at a Walmart, a movie theater, or a gas station has changed. By seeking to arm everyone in America, the NRA has in fact changed our reasonable expectation of how fights will end, into a self-fulfilling prophecy about how fights will end. It should surprise you not at all to learn that of [the 10 states with the most lenient gun laws](#) in America, seven support “stand your ground.” In those jurisdictions shooting first isn’t merely “reasonable.” It borders on sensible.

And it’s not just cultural expectations that are shifting. We’re also shifting what we ask of our jurors. Under “stand your ground,” we are asking jurors to [impose a subjective test](#) about whether the shooter was experiencing a [profound moment of existential panic](#). We are asking them whether—in a country seemingly full of people who are both armed and terrified that everyone *else* is armed—shooting first makes sense. By redirecting jurors to contemplate whether people who are armed and ready to kill are thinking reasonably about others they believe to be armed and ready to kill, we have created a framework in which one’s subjective fears about the world are all that matters. Or as the father of one victim [explained to the *Washington Post*](#), “Somehow, we’ve reached the point where the shooter’s word is the law.”

Every time we hear about a Zimmerman, a Dunn, or a Cyle Wayne Quadlin, we get a little bit closer to believing that we need to become a Zimmerman, a Dunn, or a Cyle Wayne Quadlin merely to protect ourselves. And then it gets a little bit easier for us to relate to, and to believe, the next Zimmerman, Dunn, or Cyle Wayne Quadlin. It’s a perfect loop of logic. We define the reasonableness of a lethal response by the growing number of lethal responders. “Stand your ground” laws, or at least the public conception of what they do, are changing the way the rest of us think about self-protection. This is, of course, exactly the world the NRA dreams of constructing: Everyone armed and paranoid that everyone else is armed. But the old canard that an armed society is a polite society is pretty much bunk. Ours is not a polite society; we are rude and hotheaded and terrified. Now we have guns to help us sort it all out.

And this is not just in Florida. We are quickly becoming a nation that would rather shoot than stand down, or at least one that thinks everyone has the right to. We are a nation of jurors who carefully consider the emotional state of a killer who had no obligation to even investigate the emotional state of the person he believed was attempting to kill him. We are a nation whose courts and legislatures have enshrined the American values of individualism, property rights, and mistrust of the state while eroding our duty to retreat.

After Trayvon Martin was killed, for a long time it was fashionable to say, “I am Trayvon Martin,” in solidarity with him and his family. But a far more worrisome possibility has begun to creep into our culture. With each successful “stand your ground” claim, explicit or implicit, we are all in peril of becoming more frightened, more violent, and more apt to shoot first and justify it later. The only thing more terrifying than the prospect of becoming a nation of Trayvon Martins is the possibility that we are unconsciously morphing into a nation of George Zimmermans.

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The Killing of Jordan Davis: Michael Dunn Faces 60 Years After Split Verdict in 'Thug Music' Trial

A Florida jury has convicted Michael Dunn of three counts of attempted murder for opening fire on a car of unarmed black teenagers during an argument over loud rap music at a gas station. But the jury deadlocked on the most serious charge, the first-degree murder of 17-year-old Jordan Davis, forcing the judge to declare a mistrial on that count. Dunn, who is white, shot at the vehicle carrying Davis and his friends 10 times. He then fled the scene, went to a hotel with his girlfriend and ordered pizza. He never called the police. Citing Florida's Stand Your Ground law, Dunn's attorneys had claimed the shooting was justified because he had felt threatened by the teenagers. But prosecutors said the teenagers were unarmed and never left their vehicle. Legal analysts say Dunn could face at least 60 years in jail for the attempted murder convictions against the three other teens. The jury in the trial was 2/3 white and did not include any black males. The verdict was reached on Saturday, one day before what would have been Davis' 19th birthday. We speak to Michael Skolnik, editor-in-chief of GlobalGrind.com, who attended the trial.

Transcript

This is a rush transcript. Copy may not be in its final form.

AMY GOODMAN: A Florida jury has convicted Michael Dunn of three counts of attempted murder for opening fire on a car of unarmed black teenagers at a gas station during an argument over loud rap music. But the jury deadlocked on the most serious charge, first-degree murder of 17-year-old Jordan Davis, forcing the judge to declare a mistrial on that count.

Dunn, who's white, shot the vehicle carrying Davis and his friends 10 times. He then fled the scene, went to a hotel with his girlfriend and ordered pizza. Citing Florida's Stand Your Ground law, Dunn's attorneys had claimed the shooting was justified because he had felt threatened by Davis, who he claimed was [armed]. But prosecutors said the teenagers were unarmed and never left their vehicle.

Legal analysts say Dunn could face at least 60 years in jail for the attempted-murder convictions against the three other teens. The trial drew comparisons to the George Zimmerman trial, when he was found not guilty in the killing of 17-year-old Trayvon Martin. After the verdict was announced, Jordan Davis's father, Ron, told reporters that children should never be collateral damage.

RON DAVIS: He was a good kid. He was—it wasn't allowed to be said in the courtroom that he was a good kid, but we'll say it: He was a good kid. There's a lot of good kids out there, a lot of good nephews, a lot of good grandsons, granddaughters, nieces, and they should have a voice, that they shouldn't live in fear and walk around the streets worrying about if someone has a problem with somebody else, that if they get shot it's just collateral damage. There is no such thing to parents that their child suffered collateral damage. We, as all human beings, we love our children, we love our families, and we don't accept a law that would allow collateral damage to our family members. We raise them not to fear each other. We raise them to be good citizens in America. And we expect the law to be behind us and protect us. And that's what I wanted the law to do, is protect Jordan as we protected Jordan.

AMY GOODMAN: Ron Davis, the father of Jordan Davis. Sunday would have been Jordan's 19th birthday.

For more, we're joined by Michael Skolnik, who attended the Michael Dunn trial last week, editor-in-chief of GlobalGrind.com, also on the board of directors of the Trayvon Martin Foundation.

Michael Skolnik, welcome to *Democracy Now!*

MICHAEL SKOLNIK: Thank you.

AMY GOODMAN: So, talk about the significance of this split verdict. It was a hung jury on—or mistrial, the mistrial on the most serious charge, but could face up to 60 years in prison for the attempted-murder charges.

MICHAEL SKOLNIK: Yeah, this was a very long deliberation, Amy. We went 31 hours-plus in deliberation of this jury. It was obvious in the second day the jury was sort of confused on how they could charge Michael Dunn on self-defense on one charge, not the other charges. At the end of the day, after three-and-a-half days of deliberation, this jury came back with a mistrial of murder one of Jordan Davis, but also found him guilty of the attempted murders on the three other boys. Michael Dunn looks at a minimum of 60 years in prison, a maximum of life in prison. However, there still could be another trial of Jordan Davis's charge, and it looks like there will be.

AMY GOODMAN: Well, Angela Corey said she will rebring the case. Now, Angela Corey, of course, was the prosecutor, the chief prosecutor, they shouldn't argue it in court, in the case of George Zimmerman.

MICHAEL SKOLNIK: Yes, and she also was the chief prosecutor who argued against Marissa Alexander. So, Angela Corey is certainly the complicated figure in all of this, but she did—

AMY GOODMAN: And Marissa Alexander, just to remind our audience?

MICHAEL SKOLNIK: Is the young lady who shot a gun into the air against her abusive husband and got a 20-year sentence under the Stand Your Ground law. She claimed Stand Your Ground, and they found her guilty of a 20-year sentence. And now she will be retried. But I do think that this is a complicated case, because we will see another trial in probably three to six weeks again, have to relive what we just lived through the past four weeks of Jordan Davis's trial, and with the same witnesses on the stand.

AMY GOODMAN: In closing arguments, Assistant State Attorney John Guy urged jurors to convict on all of the charges.

JOHN GUY: If Jordan Davis had a gun, that defendant would have never left the scene. If Jordan Davis had a gun, he would have called the police. If he was truly acting in self-defense, he wouldn't have been running from everybody, he would not have lied to the police, he wouldn't have changed his story.

AMY GOODMAN: During his testimony last week, Michael Dunn admitted he shot Jordan Davis. He claimed he feared for his life.

MICHAEL DUNN: When this "I should kill that [bleep]" comes through, now I'm paying attention to what they're saying.

ATTORNEY: OK, that kind of got you to perk up?

MICHAEL DUNN: Yes. And in an even more elevated voice, I hear, "I should [bleep] kill that [bleep]!" And now he's screaming. But he said he was going to f'ing kill me, but after he opened the door, then he looked at me and said, "You're dead, [bleep]!" I became even more fearful at that point. OK, say over here is my glovebox. I'm looking out the window, and I said, "You're not gonna kill me, you son of a [bleep]!" And I shot.

ATTORNEY: OK. And do you even recall how many times you shot?

MICHAEL DUNN: I do not.

AMY GOODMAN: That was Michael Dunn. And again, explain the sequence that is not disputed about what happened after he shot into the car.

MICHAEL SKOLNIK: Yeah, there is no dispute that Michael Dunn shot Jordan Davis. Tommy Storns, who was Jordan Davis's friend who was driving the car, is a hero. He drove the car backwards and then tried to drive away as Michael Dunn was shooting. Michael Dunn gets out of the vehicle, onto the ground in a police stance, shoots at the car again as the car is driving away. The young men get away. Michael Dunn's girlfriend comes out of the convenience store, the gas station convenience store.

AMY GOODMAN: She had been buying stuff.

MICHAEL SKOLNIK: She had been buying a bottle of wine and a bag of chips. They get in the car. They drive to a hotel three miles away. They spend a night at the hotel, order pizza, watch a movie, drink rum and coke, walk their dog, leave the gun in the car. He claims he was so afraid these guys were going to come find him. He leaves his gun in the car. The next morning, as they see the news reports that Jordan Davis was killed, in fact, they get in the car, they drive two-and-a-half hours home to Satellite Beach. He claims—Michael Dunn claims that he called his law enforcement neighbor friend, which he didn't; in the court they proved the neighbor friend called him, asking him if he wanted to hang out that night. Michael Dunn said, "No, my girlfriend's not feeling good." And the police—because of the young homeless man in the gas station who wrote down his license plate number, the police knew where Michael Dunn lived, went to his house and brought him out of the house in handcuffs.

AMY GOODMAN: As with the George Zimmerman trial, prosecutors largely ignored the issue of race during the proceedings. Damning letters written by Michael Dunn during his pretrial imprisonment were never introduced to the jury. Dunn wrote family members that he thinks the justice system is biased in favor of African Americans. He wrote, quote, "This jail is full of blacks and they all act like thugs. This may sound a bit radical, but if more people would arm themselves and kill these [bleeping] idiots when they're threatening you, eventually they may take the hint and change their behavior." But that was never brought up in court, Michael Skolnik.

MICHAEL SKOLNIK: No, it wasn't brought up in court. I think that there is a great sensitivity to bring up race in both the Zimmerman case and in this case. We have to ask a lot of questions why. Certainly as New Yorkers, we want to talk about these issues, but as I was in Jacksonville—this is the South—they are not ready to talk about these issues. I think the state prosecutor was a little concerned to bring these issues up. However, I would say this, Amy: These statements and Michael Dunn's actions showed the judge that he was a threat to society, and that's why he's been in jail ever since he killed Jordan Davis. It is a good thing that he will serve at least 60 years in prison, because from these statements that he's made to his daughter and his fiancée and his grandmother, it is clear that he's a threat.

AMY GOODMAN: The attorney for Jordan Davis's family released a video interview of Charles Hendrix, who was Michael Dunn's former next-door neighbor. Hendrix said Dunn was a man with a history of violent behavior, insurance fraud, cocaine use. The neighbor claimed Dunn had once bragged about putting a hit out on someone and that his first wife said he had held a gun to her head and threatened to kill her. This is an excerpt of Dunn's former neighbor's interview.

CHARLES HENDRIX: An attitude about him like he was smarter than everybody else. And I found that not only annoying, but quite amusing, because I didn't find him as near as intelligent as he thought he was. He knew about computers, but he didn't appear to know a lot about interpersonal relationships and how to get along with people. That was just my perception. He had an air where he was light and friendly, and he laughed, but if you disagreed with him, he would get boisterous and try to be overbearing and try to intimidate people

with his size and his voice. He appeared to me to be very selfish, and that there wasn't much that he wouldn't do to get what he wanted or get his way.

AMY GOODMAN: This is Charles Hendrix, Michael Dunn's former next-door neighbor, more of the interview.

CHARLES HENDRIX: I think that there's entirely too many people in this country that are getting killed needlessly because people that should never, ever get their hands on guns are able to get them. And Michael Dunn is one of those people. I believe that if he had been subjected to some sort of psychological evaluation or if they had really done a background investigation on him to find out his propensity to be violent and a bully, that possibly—possibly, not 100 percent, but possibly—he would have never gotten his hands on a weapon.

There are several times where he made comments that "I can't wait for somebody to try something with me when I have my gun." I'm the type of person, that's the last thing I'd want to be contemplating. You know, I don't want to have a confrontation with somebody while I have a gun. Anybody that does, they're predisposed, in my opinion, to kill somebody. If you're looking for a confrontation just because you have a gun—there's no question in my mind that people that are looking for problems when they have a gun someday are going to find it. And when I heard about this incident with Michael Dunn, I said, "There you go. I knew it. Sooner or later he's going to kill somebody." I had said that to my wife. I had said it to my daughter. "Sooner or later, this guy is going to kill somebody. He thinks that a gun makes him safe and makes him all-powerful."

AMY GOODMAN: That was Charles Hendrix, Michael Dunn's former next-door neighbor, in a video released by Jordan Davis's family. Michael Skolnik, so they never saw this video, and they never saw the letters that Dunn wrote from jail.

MICHAEL SKOLNIK: No, they didn't. They never saw this video. Part of the reason, he was on the witness list, Mr. Hendrix was. He was in an area of the country where they got hit by a huge snowstorm last week, so it was an issue of travel, getting him to Florida, if they were going to call him. But also, much of what he said is hearsay and not really admissible in court, so I'm not sure how much of that testimony we just heard would be admissible in court. It's part of the reason why they didn't play that interview or bring him onto the witness list—on the witness stand.

AMY GOODMAN: And to explain the scene at the gas station, when there was the car of Michael Dunn, his girlfriend goes into the store to buy stuff, into the gas station convenience store, and the teenagers are in the next car. They're in a car playing music.

MICHAEL SKOLNIK: They're in a car a foot and a half away from Michael Dunn's car. So the idea that Jordan Davis got out of his vehicle and approached Michael Dunn with a gun seems absurd and almost seems physically unable to actually do that, because the cars were so close to each other. Michael Dunn shot basically point-blank into Jordan [Davis's] car.

AMY GOODMAN: So, first Dunn gets—asks them to turn down the music. They do. Then they turn the music up, and then he gets—

MICHAEL SKOLNIK: And then they get into a verbal conversation. Michael Dunn says to him—

AMY GOODMAN: Where the kids don't get out of their car.

MICHAEL SKOLNIK: The kids do not get out of their vehicle, and Michael Dunn says to them, "You don't talk to me like that," and then shoots Jordan Davis three times into his car. The kids drive away. He keeps

shooting. One thing I think is important, Amy, about the Mr. Hendrix interview, the significance of him leaving the scene, not going into the store and saying, "Oh, my goodness, a kid with a gun in the SUV was just going to shoot at me. They drove away. Someone, call the cops. Someone, go out and get a license plate number." If he didn't leave the scene, would he have been drug-tested? Would he have taken an alcohol test? He had four drinks at the wedding, which he admitted to, that he had just come from. Mr. Hendrix says he had used cocaine in the past. Was he high? Was he drunk? Did he go back to the hotel to sober up? If the jury knew that information, would we have a different verdict now?

AMY GOODMAN: I want to turn to an [article](#) from Ta-Nehisi Coates in *The Atlantic* called "On the Killing of Jordan Davis by Michael Dunn." In it, Coates writes, quote, "Jordan Davis had a mother and a father. It did not save him. Trayvon Martin had a mother and a father. They could not save him. My son has a father and mother. We cannot protect him from our country, which is our aegis and our assailant. We cannot protect our children because racism in America is not merely a belief system but a heritage, and the inability of black parents to protect their children is an ancient tradition. ... I insist that the irrelevance of black life has been drilled into this country since its infancy." Your response?

MICHAEL SKOLNIK: Sadly, I think it's true. I would say this: I spent a lot of time with Lucy and Ron over the past, you know, four or five days. And as we saw in the opening clip of Lucy talking about praying for Michael Dunn.

AMY GOODMAN: Lucy, Jordan's mother.

MICHAEL SKOLNIK: Lucy is Jordan's mother—talking about praying for Michael Dunn, we prayed for Michael Dunn in the family room. We prayed for Jordan. We prayed for the other three families, the young men who were shot. I would say this: As certainly we are upset over this verdict, but there were people in that jury room who were fighting for Jordan Davis. There were jury members who were fighting for Jordan Davis. The three young men who got shot at, who were—Michael Dunn tried to kill them, as well—are lucky to be alive, and they also have justice for the families.

AMY GOODMAN: And how do you know that Jordan Davis—that Michael Dunn will be sentenced to at least 60 years in prison?

MICHAEL SKOLNIK: Well, under the law, attempted-murder charge is a mandatory minimum of 20 years. He got three of them convicted. You have to serve them consecutively, so it's 20, 20 and 20, which is 60 years, and then it could go to life. There's one more charge he got convicted of, which is shooting bullets into a moving vehicle. That's a 15-year charge. There's no minimum on that, but it looks like probably at least three. So he's looking at at least 63 years in prison. He's 47 years old. He'll die in prison.

AMY GOODMAN: Michael Skolnik, head of GlobalGrind.com, thanks for being with us. He was at the trial, editor-in-chief of *Global Grind*, also on the board of directors of the Trayvon Martin Foundation. Let's end with Jordan Davis's mother, Lucy McBath, who spoke Saturday after the verdict.

LUCY McBATH: It's sad for Mr. Dunn that he will live the rest of his life in that sense of torment, and I will pray for him, and I've asked my family to pray for him. But we are so grateful for the charges that have been brought against him. We are so grateful for the truth.

AMY GOODMAN: That was Lucy McBath, the mother of Jordan Davis. This is *Democracy Now!*, democracynow.org, *The War and Peace Report*. When we come back, on this Presidents' Day, who's missing? We'll look at the black history of the White House. Stay with us.



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