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October 29, 2013

Honorable Richard Durbin, Chair

Honorable Ted Cruz, Ranking Member

Subcommittee on the Constitution, Civil Rights, and Human Rights

United States Senate

Washington, DC 20510

**Re: Hearing on “Stand Your Ground” Laws: Civil Rights and Public Safety
Implications of the Expanded Use of Deadly Force**

Dear Chairman Durbin and Ranking Member Cruz:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we write to applaud the Subcommittee on the Constitution, Civil Rights, and Human Rights for holding this hearing to examine “stand your ground” laws and their civil rights and public safety implications. “Stand your ground” laws have allowed armed citizens to take the law into their own hands without the training and accountability of public law enforcement officers, with disproportionately harmful results for people of color. The Leadership Conference welcomes a conversation about these state laws and the steps the federal government could take to address or mitigate their impact on racial minorities.

“Stand your ground” laws vary, but they generally extend immunity to criminal prosecution or in some cases, civil suits, for the use of deadly force in self-defense beyond the home. These laws expand a longstanding and tested doctrine by which deadly force may be used in self-defense or to prevent a forcible felony when one is in the safety of one’s home, to include “any other place where he or she has a right to be.”¹ Since Florida passed the first stand your ground law in 2005, at least 30 other states have followed suit, either through legislative action or court decisions.²

The Leadership Conference has a longstanding interest in addressing a broken and racially biased criminal justice system. For example, we worked closely with Senators Durbin and Sessions in a successful effort to reduce the sentencing disparity between crack and powder cocaine, which disproportionately affected minority communities. We believe that “stand your ground” or “shoot first” laws must be looked at in the context of the criminal justice system overall and the evidence of racially- biased policing in minority communities.

In particular, The Leadership Conference has grave concerns about how “stand your ground” laws foster a “shoot first” mentality, giving individuals unfettered power and discretion with no accountability. “Stand your ground” laws make it easier for people to pursue, shoot, and sometimes kill without facing legal consequences. They essentially eviscerate any deterrent to gun-related homicides, providing a pathway to escaping any resulting penalty. In fact,

national studies have shown that the number of homicides has increased in those states that have implemented some form of “stand your ground” laws.³ Attorney General Holder characterized “stand your ground” laws as “senseless” and stated that “by allowing—and perhaps encouraging—violent situations to escalate in public, such laws undermine public safety.”⁴

Because of systemic and unconscious racial bias, “stand your ground” laws increase the danger to which people of color are subjected, without offering adequate opportunity for redress. They can only exacerbate the harm of gun violence in communities of color, particularly in urban areas where African Americans are far more likely to die from gun violence than whites. In fact, young black men die of gun homicide at a rate of eight times that of young white men.⁵ The tragic killing of Trayvon Martin in February 2012 brought greater scrutiny to “stand your ground” laws, revealing racial bias in their application. Statistics based on a database compiled by the *Tampa Bay Times* of cases in which “stand your ground” was raised as a defense in Florida show that a defendant who killed a white person was two times more likely to be convicted of a crime than when a defendant killed a black person.⁶ A second study revealed that “stand your ground” laws introduce bias against black victims and in favor of white shooters. The study found that homicides with a white perpetrator and an African-American victim are ten times more likely to be ruled justified than cases with a black perpetrator and a white victim, and the gap is larger in states with “stand your ground” laws.⁷

The Leadership Conference urges legislation to review and examine laws, policies, and regulations with respect to “stand your ground” provisions and the discriminatory impact of their legal applications. We recommend that the Attorney General conduct a national review of state laws, policies, regulations, and judicial precedents and decisions regarding criminal and related civil commitment cases involving “stand your ground” provisions. The review and subsequent report could include a determination of whether such laws, policies, regulations, and judicial precedents and decisions place any unique or additional burdens upon minority populations; and a determination of whether such laws, policies, regulations, and judicial precedents and decisions increase the instances of racial profiling and disproportionately target African Americans or other minority communities. Finally, a report could include a set of best practice recommendations directed to state governments, including state attorneys general, prosecutors, and judicial officers, in order to ensure that laws, policies, regulations, and judicial precedents do not increase or sanction racial profiling and disproportionately target African Americans, Latinos, or other minority communities.

Thank you for your consideration of this critical issue. For further information, please contact either one of us, Lexer Quamie, or June Zeitlin at 202-466-3311.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

¹ Fla. Stat. § 776.013(3)

² Patrik Jonsson, *Racial bias and 'stand your ground' laws: what the data show*, Christian Science Monitor (Aug. 6, 2013), available at <http://www.csmonitor.com/USA/Justice/2013/0806/Racial-bias-and-stand-your-ground-laws-what-the-data-show>

³ *Does Strengthening Self-Defense Law Deter Crime or Escalate Violence? Evidence from Expansions to Castle Doctrine* http://econweb.tamu.edu/mhoekstra/castle_doctrine.pdf or

<http://www.csmonitor.com/USA/Justice/2013/0806/Racial-bias-and-stand-your-ground-laws-what-the-data-show>

⁴ Cohen, Tom, *Holder Blasts 'Stand Your Ground' After Zimmerman Verdict*, CNN Politics, July 17, 2013 <http://www.cnn.com/2013/07/16/politics/zimmerman-holder>

⁵ David Cole, *Who Pays for the Right to Bear Arms?*, N.Y. Times, Jan 1, 2013, at A19.

⁶ Susan Taylor Martin, Kris Hundley and Connie Humburg, *Race plays Complex Role in Florida's 'Stand Your Ground' Law*, Tampa Bay Times (Jun. 2, 2012), available at: <http://www.tampabay.com/news/courts/criminal/race-plays-complex-role-in-floridas-stand-your-ground-law/1233152> (hereinafter “Tampa Bay Times Article”)

⁷ In cases where the defendant was black and the victim was white, there was little difference between stand your ground states and other states (1.4% versus 1.1%). However, when the defendant was white and the victim was black, 16.9% of the homicides were ruled justified in stand your ground states and only 9.5% in non-stand your ground states. John K. Roman, *Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data*, Urban Institute (July 2013), available at: <http://www.urban.org/UploadedPDF/412873-stand-your-ground.pdf>; See also Patrik Jonsson, *Racial bias and 'stand your ground' laws: what the data show*, Christian Science Monitor (Aug. 6, 2013), available at p. 7 <http://www.csmonitor.com/USA/Justice/2013/0806/Racial-bias-and-stand-your-ground-laws-what-the-data-show>.