



TESTIMONY OF CONGRESSWOMAN MARCIA L. FUDGE (OH)
CHAIR, CONGRESSIONAL BLACK CAUCUS
FOR THE U.S. SENATE JUDICIARY SUBCOMMITTEE ON THE
CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS
“STAND YOUR GROUND’ LAWS: CIVIL RIGHTS AND PUBLIC SAFETY
IMPLICATIONS OF
THE EXPANDED USE OF DEADLY FORCE”

October 29, 2013

Good Morning, Chairman Durbin and Ranking Member Cruz. Thank you for providing the forum to discuss this important issue and inviting me to testify today.

I would like to focus on three issues that have serious implications for the public safety of our country: Stand Your Ground laws, Concealed Carry laws, and racial profiling.

On February 26, 2012, a young man lost his life, in my opinion, to racial profiling. Earlier this year, Trayvon Martin’s killer, George Zimmerman, escaped the grip of justice because of Florida’s Concealed and Carry, and Stand Your Ground laws. The three issues that I highlight today all manifest themselves in the senseless death of too many of our young men, including Jordan Davis, who was killed for playing music too loud in his car!

Trayvon and Jordan didn’t ask to be martyrs, but the American legal system made them martyrs. I thank Sybrina Fulton and Lucia McBath for being here today. Your strength is inspiring.

I fully understand the right to defend oneself from violence as an established principle in our legal system. However, Stand Your Ground laws eliminate all responsibility to retreat and peacefully end an incident. These laws permit and, quite frankly, encourage individuals to use deadly force even in situations where lesser or no physical force would be appropriate.

At the urging of the American Legislative Exchange Council (ALEC) and the National Rifle Association (NRA), the first Stand Your Ground law was enacted in Florida in 2005. Since then, 22 other states have enacted similar laws. The NRA and ALEC actively lobby states to lower the personal liability and social responsibility for those who carry firearms. Ultimately, this effort fosters a “Wild West” environment in our communities where individuals play the role of judge, jury and executioner.

In my home state of Ohio, House Bill 203 would expand the Concealed Carry law to permit the use of lethal force wherever an individual is legally permitted to be, while removing the duty to retreat. This change to current law would bring Ohio in line with other Stand Your Ground states.

Proponents of Stand Your Ground laws often allege that these laws deter crime. However, the opposite is true. According to a study by the University of Texas A&M, states

with Stand Your Ground laws have seen an 8 percent increase in homicides.

The enforcement of Stand Your Ground laws too often rely on decisions of those with cultural bias on whether a person's life was in danger. Not surprisingly, these decisions have a disparate impact on African Americans.

The Urban Institute's Justice Policy Center found that in Stand Your Ground states, 35.9 percent of shootings involving a white shooter and black victim are found to be justified. Only 3.4 percent of cases involving a black shooter and white victim are considered justifiable self-defense. These numbers should make all of us uncomfortable.

Racial profiling continues to make communities of innocent individuals fear a system designed to protect them. Under New York's unconstitutional stop-and-frisk policy, more than 90 percent of those stopped by police were either Black or Latino, even though these groups only make up 52 percent of the city's population. Given the underlying taint of racial profiling in both our culture and criminal system, it is troubling to see states trend towards enacting Stand Your Ground laws.

The Center for American Progress's report License to Kill shows the intersection between Stand Your Ground and weak state permitting laws. While every state allows concealed carry, they differ on eligibility requirements. There must be a strong uniform standard to allow an individual to carry a deadly weapon.

Weak Concealed Carry standards combined with Stand Your Ground laws and racial profiling is a recipe for danger. We in Congress must continue to work with the Department of Justice to monitor and evaluate the impact these three issues have on communities of color. Until these unjust and inherently biased laws are repealed, we have a responsibility to advocate and educate.

Our work will not be complete until we ensure that no one has to live with the fear of death based on his race or age, or a death justified under Stand Your Ground laws. I look forward to the day when every American can live knowing that the arc of justice bends toward fair and unbiased laws.