

# Episode 111-- the Danger of Stand Your Ground Laws

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## SPEAKERS

Alyssa Ackbar, JJ Janflone, Kelly Sampson, Dr. John Roman, Dr. Carolyn Light

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JJ Janflone 00:08

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JJ Janflone 00:39

Hey everybody, welcome back to another episode of Red, Blue, and Brady. More than 37 states in the US allow a person to use deadly force against an intruder or an attacker under the guise, under the idea, that these people are defending themselves or their property. This is due to what are called Stand Your Ground laws. These laws are highly controversial and actually differ a lot from place to place. Today, Kelly and I are joined by three really great guests to break all of this down. To start we've got Alyssa Akbar, the legislative coordinator for Team Enough's Florida Lobbying Collective, and a state director with March for Our Lives, as well as part of their youth Congress, Dr. Carolyn Light, who's the Director of Undergraduate Studies and a senior lecturer on the studies of Women, Gender, and Sexuality at Harvard, and who also wrote the book on Stand Your Ground, you will note that there's a previous podcast that we've done with her. And, of

course, Dr. John Roman, a senior fellow in the Economics, Justice and Society group at NORC at the University of Chicago who has a ton of extensive experience on the effect race plays in Stand Your Ground defenses. Seriously, in the descriptor of this episode, I've listed work that both Dr. Light and Dr. Roman have done and I really recommend that you go check all of those out if you want to do a deep dive. Now together, we're all discussing the recent developments with Stand Your Ground Laws, and how these laws have the potential to cause way more harm than good. I want to thank all of you so much for joining Kelly and I. But I really think that if we're going to have this conversation about Stand Your Ground laws and what they mean and what they do, and even where they've come from, I think we should really start this conversation by centering it on the death of Trayvon Martin in Florida. Because I think that was really the first case where there was this national attention paid to this idea of what a Stand Your Ground law actually is, and what it means. And this is definitely something that continues to have, I think a lot of import, as we see states like Ohio, now pushing for really very serious expansions on Stand Your Ground laws. Dr. Light since you've literally written the book on this, can we go ahead and start with you?

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Dr. Carolyn Light 02:43

Absolutely. I mean that that is really the case that caused me to pivot and my research. My original focus is more generally around immigration issues and national belonging, exclusionary nationalism really is what I call it, and watching not just what happened to 17 year old unarmed Trayvon Martin in his family's own community, but then how that played out in the courts in our so called justice system is really what got me focusing my research more specifically on essentially the weaponization of self defense and I'm a historian, so I push this by looking into the past but just to recap, it was 2012 it was you know, in a Florida suburb that Trayvon Martin 17 year old, unarmed black youth walking home after purchasing Skittles and Iced Tea for his brother was aggressively stopped by George Zimmerman, a neighborhood watch person who was armed was not supposed to be armed but was armed and was out really just looking for a reason to use armed aggression and actually called 911. And they told Zimmerman to stand down. They said, If you see someone suspicious, just wait for the police to come. You are not the police stand down. We can also talk about police violence, too, because that's not that's not epiphenomenal to this issue of weaponized self defense. But in this particular case, George Zimmerman was told stand down not to pursue Trayvon and he did anyway and he aggressively approached him. He instigated this violent confrontation that ended in Trayvon Martin being shot dead, and then was not arrested after that he was questioned, but because George Zimmerman claimed to have been quote, in fear for his life, he basically wasn't arrested until much later after a lot of popular criticism. And then that's what resulted in at the end of the day court case that exonerated George Zimmerman of

wrongdoing basically said that he had the right to stand his ground that his perception of threat was reasonable in that courtroom. And I think that whole case raised so much public outrage and centered on stand your ground even though many people will say Stand Your Ground laws had nothing to do with the case. My argument is that Stand Your Ground laws are not just about the way the legal field operates. It's also at the stomach, it trains us to have certain thoughts about who's a threat and who is a legitimate target for violence. And in this particular case, we saw an unarmed 17 year old being a legitimate target for violence in the interest of neighborhood protection. So at the end of the day, George Zimmerman not only has walked free, but recently, I believe sold his gun online for many 1000s of dollars. It became this kind of cultural fetish, I guess, an emblem of this so called legitimate use of force against putatively threatening people when this was a 17 year old, unarmed young man. So that was the case that triggered me to start looking into this history. And then very shortly thereafter, we saw Jordan Davis, another 17 year old black youth gunned down in a parking lot, because he and his friends were playing their music too loud in the opinion of a white middle-aged armed man who decided to shoot and then also claim self defense that man was found guilty of homicide, thankfully, but still, Jordan Davis was killed at age 17. And then, I think within that same year, another teenager, this time a young woman, Renisha McBride, was shot and killed in a Detroit neighborhood for basically knocking on a door to ask for help and middle the night after she'd wrecked her car. And the owner of that home basically stood his ground saw her, saw her face, shot, and killed her. And I believe McBride's killer is incarcerated. But again, these are young lives lost because, especially, white armed subjects are being taught in our culture to shoot first and ask questions later, whenever they suspect that someone may be threatening them. I want to just say quickly that even though Stand Your Ground laws are technically pretty recent, pretty new, this discourse, the racial capitalist, hetero-patriarchal violence, settler colonial history is absolutely essential to understanding how we got here. That's why I think historical lens is really important.



JJ Janflone 07:37

One of the things that I think would be really important to go into maybe a little bit more in detail is with you, Dr. Roman, is the legal claim made on Stand Your Ground why that is so interesting, and how I think it sort of differs. There are different clusters of states that have different rules and things. But I wonder if you could just give it's an unfair question, I think to ask of all of our panelists, you know, a brief sort of context of what those laws actually are.



Dr. John Roman 08:01

Yeah, sure, happy, happy to do it. So the idea here is that under common law, which is the

sort of basic foundation for every state's criminal code, you have a right to self defense at home. So if you feel that your life or liberty is at risk, and you are on your own property in your own home, you can use deadly force, if in those instances where you think your life is at risk without a duty to retreat. And what Stand Your Ground laws do is extend those rules, which are usually referred to as the Castle Doctrine, your home is your castle, the Castle Doctrine, they extend those rules out into the public space. So the same, the same lack of duty to retreat that exists in your home now gets extended into, you know, a McDonald's parking lot, or the local park, or the local street, the key to it all, there are two bits to it that are really important. And the one key is the idea about whether you have a duty to retreat, which is to say if I peek around the corner, and I see a guy with a gun out, obviously, it's reasonable for me to think that my life is at risk. Now under the old non standard ground rules, I have a duty to go back around the corner where I'm safe under the Stand Your Ground rules, I can just open fire. The other bit is the immunity bit and the immunity bit in Florida was really important in the Trayvon Martin murder, which is to say that under Stand Your Ground, I don't have to prove that my life is at risk. I don't have to prove that I was reasonable in my fear for my own life. All I have to do is assert it. And then in order for law enforcement to arrest me and investigate the case, and you know, question me, they have to first prove that in fact, I'm lying in my Stand Your Ground claim and if you think about how chaotic a crime scene is, with, you know, police and press and first responders, they're at night under the lights impossible to do fair, fair, you know, sort of investigation of the facts in that sort of situation. And instead of allowing the prosecutors to arrest and investigate in a place where that investigation of fact that finding a fact finding is sort of done in a reasonable manner, you have to do it on the street at the time of the incident. So it perverts justice in all kinds of ways. And I suspect there are a couple other ways that we haven't gotten to yet that are really very important, sort of negative effects, unintended consequences of these laws.

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Kelly Sampson 10:33

And I just want to bring in Alyssa here just to talk about, if you're comfortable sharing, what it's like to be a young person in Florida in the aftermath of these sorts of cases, like what Dr. Light talked about in terms of Trayvon Martin being 17, Jordan Davis being 17, as well.

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Alyssa Ackbar 10:50

Yeah, for sure. So, wow. First of all, being a young person from Florida, like talking about these issues is so heartbreaking, just because it's not just a conversation that we're having. It's something that like after I hop off this call, I can go into my community and experience or see firsthand, and during the Trayvon Martin case, I was 11, I would say and I had just

moved to Tampa into a predominantly white suburb, I went to school with predominantly white people, and the fact that that type of incident could have occurred in my neighborhood, either to me or one of my peers, because I did have a lot of, there was a couple of students of color that kind of stuck together in my school. And the fact that this could have happened in my neighborhood is so, I keep saying heartbreaking because there's a lack of words for something this traumatic to happen to someone. And now that I have, you know, moved to college, I live in Tallahassee, now I go to FSU, I still think of my brother, my brother is 18, a senior in high school, you know, he still lives in that neighborhood. And, you know, the thought of something happening to him is even more heartbreaking. And I think it just shows that like teen Floridians, especially people of color here in Florida, have to kind of reckon with this kind of reckon with the reality of the fact that Florida is such a divided state in the way that we think about self defense in the way that we think about policing. And it's a losing battle here in Florida at the moment with the makeup of the state legislator, with the lack of help from local municipalities in terms of funding for violence intervention programs. And if you looked into local police budgets, as well, like there's a lot of funding for local police budgets, but not a lot for our communities. It's very heartbreaking to see that people of color in Florida are not appreciated and supported in the way that they should be. And honestly, as someone who has been working at the state level with a lot of legislators to try and change that, I don't see that changing in a long time. I think that these laws are rooted in white supremacy to be very frank. You know, we're seeing that these laws are helping in targeting killings for people of color. And there's just there's no excuse for it. There's a way that white supremacy changes our bias, our bias in looking at self defense, I think this law brings it into a very personal view. So like if an incident occurs, it's not necessarily there's no basis for like, what is self defense? Like, what is a certain specific, like, example of self defense? Or where self defense is legal? It's automatically looking into that person's psyche being like, okay, was this incident, were they experiencing harm is their case of self defense justifiable. And, you know, whenever we're looking at like white assailants, prosecutors, people looking on to the case, people involved in the case, are automatically having this racial bias where the white assailant is going to have favor in their minds. But I think, I think it does help to bring young people of color into spaces like these, because I think when we have these conversations, there's a lot of talk about statistics, talk about laws in general, but not necessarily have experience, of what young people are experiencing. And with everything going on, I mean, I know my generation has experienced a lot of trauma within the last couple of years. So yeah, it's just very, very, very heartbreaking, very traumatic, to kind of look through this and watch other people experience it. And hopefully in the future, we can kind of fight to to amend these laws.

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Dr. John Roman 14:19

So what one point to pick up there, that's really interesting, which is, which is what why did these laws come about? Right? What was the, what was the spark? What prompted this? So, so the Trayvon Martin murder was in 2012, these laws started being passed in earnest in 2005, something like 25 to 30 states, depending on how you counted, had passed these laws at the time of the Trayvon Martin murder. And, and what's really interesting about this is, is that there was very little discussion around these laws. They were sort of pushed by a national agenda. And nobody ever asked the question, What problem does a Stand Your Ground law solve? Right? What is the injustice we seek to fix here. And there is an injustice that you could imagine that these laws would fix. You could imagine that there were a number of cases where people had actually acted in self defense but had been convicted wrongly of murder. That but, you know, in retrospect, not only did none of those, none of those claims emerge in the debate about these laws, there's no post hoc evidence that that was the case. There's no evidence that there are any wrongful convictions prior to the passage of Stand Your Ground. So what is the purpose here? Why, why do they exist? And my take is the same, I think, as the rest of the panel which that this is about this is about tapping into people's innate fear of strangers, of otherness. It's really interesting when you look recently, there have been a number of high profile cases of women who have experienced tremendous intimate partner violence had been the victims of tremendous amounts of violence, and eventually responded with lethal force. And what it turns out is that the Stand Your Ground laws don't really protect them, that there's this Boogeyman of like the woman who's accosted on the street by a stranger, and then she can use deadly force. But if you're accosted at home over and over again, then deadly force isn't warranted under these laws. They don't solve any problem. And we'll talk more about this. They make all kinds of things worse.

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Dr. Carolyn Light 16:17

I so much appreciate the way you framed this as what prompted the laws, what problem were they designed to fix? Because I think that's really critical. That's, that's, I tried really hard in my research to go back and look at legislative records and think about that question, why and what triggered them. And I find the cruel irony, one of many cruel ironies of the Stand Your Ground laws and legal landscape is that many of the proponents of the laws continue to promote them as a solution to the problem of gender violence. And just like you said, John, many folks have said, this is a way by which women can protect themselves and we can look at Marion Hammer, for instance, you know, this long standing champion of the NRA, who basically went out on a speaking junket talking about her own experience, having fended off a carload of criminal quote criminal thugs in a parking garage, where she pulled out her trusty handgun and was able to defend herself, right. And that narrative played out over and over again in many of these, including the Florida legislative debates around Stand Your Ground laws, but then of course, we can

look at the record. And when women try to use lethal force against their largest statistical threat, hands down, women's largest statistical threat is from their own intimate partners and male acquaintances, usually male, acquaintances we see time and time again, Marissa Alexander is the classic case, a woman whose husband had manifested all kinds of aggression, including physical aggression, she was trying to leave him and in the process of trying to leave him, she pulled out her firearm and shot a warning shot and was then arrested and deemed guilty and thrown in prison. And so we can see time and time again, the way the Stand Your Ground laws while they were promoted as a solution to problems of gender and sexual violence, there's a lot of language around women using firearms to ward off stranger danger in dark spaces, kind of going back to the Marion Hammer narrative. But there is no statistical evidence that these laws actually make women safer, nor that women wouldn't be able to use force against an assault in a public space in a dark parking garage. There's no evidence to suggest that existing self defense laws, prior to the instantiation of Stand Your Ground would not have allowed women to use lethal force if possible against somebody who is trying to attack them or assault them. So it's a law that basically was proposed by a by ALEC, American Legislative Exchange Council, I believe is what that stands for. And this is a, I would say, affiliated with reactionar, right, including many corporations that have an investment in, not just mass producing and distributing firearms, but also incarceration, hyper incarceration. So these are corporations and elected officials who are very much invested in spreading the message of armed citizenship, and so Stand Your Ground laws became, in many ways, a brilliant vehicle for expanding the range of armed citizenship, making it seem like an armed citizenry is a safer citizenry and empowering, selectively, certain Americans to use firearms, to use lethal aggression, when they can Legally claimed to have been, quote in fear for their lives. So yeah, so the gender element of this often falls out of the picture. So I'm really grateful, John, that you brought up the question around gender violence, because that's often the number one justificatory narrative for passing, stand your ground laws in the first place. And I think many people do believe that these laws actually empower women to protect themselves, but they don't.

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Kelly Sampson 20:25

Kind of just bring something else into this conversation, we know that there's a clear racial disparity. And, when it usually comes up on the side of who is making the defense, so in white Americans who live in a Stand Your Ground state make self defense claims in situations involving a black person's death, 36% of those are ruled justifiable homicide, but when the situation is reversed, and the black American makes a self defense claim, in a case involving a deceased white person in those same states, only 3% of those deaths are ruled, justifiable homicides. So I'm just wondering if you could talk a little bit about the racial disparities, and how those play into these laws and also how they intersect with the



gender disparities to the extent that they do.



Dr. John Roman 21:10

Yeah, so those numbers sound familiar,



JJ Janflone 21:12

Yeah, they might be your numbers.



Dr. John Roman 21:14

They might be. Who knows? There's a lot of great research now on this. It's really interesting. I mean, Dr. Light talked about how she became interested in this, I also became interested in this topic, and I feel, it seems silly not to have recognized it before the Trayvon Martin murder, but like many researchers and scholars, and typical, you know, average citizens, I didn't I didn't recognize this before that. I got interested, because here's a, you know, 27 year old white man shooting a 17 year old black man. That pattern of fact is incredibly unusual. That just struck me as what are the chances of that happening? And so sort of doing this research to look into that question. And, and at the end of the day, you know, though, you're 250%, more likely to be found to have acted in self defense if you're a white person shooting a black person than a black person shooting a white person. So what is you know, so again, what is going on at the time that these laws are being passed that created this legislation that creates this tremendous racial disparity that increases the likelihood that essentially, that young black men are killed in the course of events where they wouldn't have been before? Right? So this doubles the number of justifiable homicides in America, where there is no evidence that there was this rampant wrongful conviction of people before we haven't solved the problem. We've just created new homicides. So what is happening? So here's the deeply cynical view of what's happening, right. So America experienced this tremendous crime wave in the late 70s and throughout the 80s, that by 1991, had begun to recede. And by 2005, when most of these laws were passed, in 2006, violent crime in America had fallen by half. So there's half as many violent crimes, crime is receding, as an issue in the American electorate in partisan politics, crime is no longer something people run on in the 1990 1988 election, famously, you know, Michael Dukakis probably lost the election because he was seen as weak on crime. The 1994 crime bill is passed by Clinton, who is a Democrat, supported by mayors in black mayors in predominantly black cities, because of being you know, this fear of being seen as being weak on crime, but by 2006. That's all that's all just in memory. So, you know, you could, you could suggest that the real purpose of these laws was to increase



fear was to increase the sense of danger, and particularly the sense of danger by others, by strangers. That's really who the law protects against. That's really the problem that had started to diminish, and long since started to diminish, by the time these laws were passed, and, and was continuing to diminish in 2011, when Trayvon Martin was killed, and throughout that decade. So it's almost as if they said, look, you know, the fear industry, the people who profit from the fear industry, our industry is in decline, let's ramp up some demand for our services. And so that seems to me to be the problem that was really solved by these laws.

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Alyssa Ackbar 24:15

Yeah, I would also go as far to say that crime and the entirety of the prison industrial complex is profitable. It's profitable, it runs on an inherently racist bias. And we see that fueling crime like Dr. Roman saying, I mean, if crime is falling, and crime is profitable, then why would legislators and elected officials and people that profit not push for legislation that increases crime and increases the probability of crime occurring? I think there's a deeper connection between the Stand Your Ground laws and the entirety of the prison industrial complex, but yeah, its profit fuels a lot of things and I think this is one of them.

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Dr. Carolyn Light 24:55

I just want to say I couldn't agree more. I absolutely agree with that. I don't think that's cynical at all. I do think that our economic investments and the way in which towards the end of the 20th century, we see whatever we had of our social safety nets being further shredded in the interest of a more carceral nation away from anything resembling any kind of welfare state, concentrating wealth further and further into the hands of the already wealthy and powerful, including corporations, the empowerment of incorporations legally, investment in corporations with personhood, things like this. I think all of this is very much, it's very much related to the spread of weaponized self defense and codification as legal doctrine. One of the epistemic things I'm really fascinated with right now. And it's like, really amazing to be on this panel with these people who I know you all will have thoughts on this, that it's almost pedagogical, it's teaching us to be Americans in a particular kind of way. And one way I'm trying to understand it is through the lens of the role reversal, the epistemic role reversal of victim and perpetrator, that the laws are teaching us in certain ways. And it's very, it's selective, it's racialized, it's gender, I also want to, I want to signal class as being a very powerful element here too, because think about if you look at the recent proposal by Governor Rick DeSantis in Florida, to basically effect a new amplified Stand Your Ground law on to anti, quote, anti mob law, and also new kinds of gestures to resist defunding the police. All of that pulled together in this odd cluster. It's teaching us something, it's telling us something about an effort by the

reactionary right to signal Americanness as a certain performance of reversing the roles of victim and perpetrator in that proposal. DeSantis wants armed citizens, armed white citizens specifically, and he doesn't even use the language of race, it's so deeply embedded in the narrative, wants armed citizens to step up and, quote, protect property. So property is at the core here, what property should be protected, and we're talking about private property as well as public property. And to do so not just with firearms, but with their vehicles. So, there's a lot in that proposal, where you can see this dog whistle invocation to so called good citizens to use their vehicles as well as their firearms to discipline demonstrators, predominantly young people leading the charge against anti-black violence. And so I feel like we're getting all the evidence laid out right in front of us. And yet, time and time again, and last week is the perfect evidence. We ignore it as a nation. And so, I'm deeply worried about what the future holds, when so many of us, nation's leaders but also we as citizens, ignore all the signs when they're basically being fed to us in the form of, not just legislation, but also the behavior of our elected officials, as well as police. So I feel like that's kind of, I know, that's a big tangle. That's a big mess. But I wanted to just say that I think this is a widespread cultural phenomenon. It isn't just about our legal terrain. It is pedagogical. It's teaching us how to belong in a nation where firearms are so ubiquitous and only spreading further and further into the hands of civilians, as well as police.

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Dr. John Roman 28:59

The one question that's never been asked, and, you know, in the years that we've been having discussions about Stand Your Ground is, hey, these racial disparities are terrible, but are they different from other racial disparities we see in the criminal and juvenile justice system? And the answer is no, really not. Right? So from the rates at which people of color are stopped and frisked, their cars are searched, they're pulled over, they're arrested, they're detained post arrest of bail, they have to pay to get out of jail, that amount of time they spend in jail, the likelihood that they're convicted, the sense that they get the likelihood that they get community revocation and have to go back in and how long they sort of get. All of these things are racially disparate and more, definitely, whatever. So this is just a symptom of a larger problem. And I'm glad we're having this conversation, but we need to sort of keep focused on the larger problem of racial disparities in the system. And I'll leave you with one fact, which is that if you look at national surveys, like Monitoring the Future, that ask people about their use of drugs, which are one of the few things when we can sort of normatively peg people's criminality by different racial groups, people of color use drugs less often than white people do. So if the idea here is to have our criminal justice system reflect innate criminal propensities, we're absolutely getting it wrong.

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Alyssa Ackbar 30:20

I guess the deeper, deeper roots of all of these issues and like the theory behind it, gun ownership is, you know, deeply rooted in American identity. It has been since the Wild Wild West where, you know, people are expanding westward, and they have to protect the American identity, protect their freedom, per se, quote, unquote, freedom. And that has continued, you know, we see a lot of gun rights activists quoting the Second Amendment, protecting the Second Amendment. And in that way, gun ownership has always been a part of American identity. And I think that now, you know, when people fight for, per se, more gun control or gun violence prevention legislation, we're not necessarily tackling a conversation or like an issue, we're tackling American identity, I mean, white American identity, because gun ownership is very much tied to white supremacy, as well. And with Governor Ron DeSantis's bill, this is something that I'm working on very closely for this legislative session. It's very scary bill, very scary stuff happening here in Tallahassee. The session is always so, so crazy, and I think that this session in particular is going to be one that's pivotal and I would say historic, in terms of how Florida continues on in the next couple of years. But Governor DeSantis, you know, after the the Black Lives Matter protests over the summer, which were very, very important into opening up a conversation on the national level about policing and racial disparity here in the United States. Legislators like Governor DeSantis are, I think, using this legislation to create this sort of like othering process where it's not necessarily like, we're all trying to tackle this issue. It's, okay, there are these people who are trying to gain equity for themselves in a way that doesn't help white supremacists, it doesn't help white people. And then there's us, who are trying to protect the American identity, which is inherently tied to gun ownership inherently tied to what supremacy to capitalism to the patriarchy. And in order to defend themselves, they create legislation that is even harder to repeal and harder to amend in the future. If this passes this session, like it's going to be so detrimental and so harmful, not to gun rights activists, not too far right protesters, but to Black Lives Matter protesters, leftist protesters. So yeah, there's this process of othering, that is continually happening here, happening here in Florida, especially since the demographic of different cities is so different, like if you see major populations here in Florida, and where the major populations of particularly people of color are, they're in the major cities, and then you go to these more rural areas, and it's a predominantly white area, and no one is addressing it. And legislators are continuing to push this process of othering. And I think this is also a conversation where we think of like, what is the notion of safety, because if we're going on self defense like safety, there's a way that certain Americans think about safety versus others, you know, when we think of like white Americans, maybe policing and self defense are that idea of safety. And then for people of color, like policing is not going to be their idea of safety. And I think that the Stand Your Ground laws fit right into this because you know, if a white American can feel safe in their home or going out with their firearm and have the ability to defend themselves, then

they're going to feel safe. And that is what the legislators play on. So I think this illusion of safety and differences in how safety is viewed is also key to like thinking about why certain Americans prefer Stand Your Ground laws and why these legislators are pushing it as well.

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Dr. John Roman 33:52

I mean, just just to pick up on on that last point in the gun point in Stand Your Ground. I think it's dangerous to laugh about Y'all Qaeda and the Yeehawdis, you know, because I think that that underestimates and understates how deeply held the support is for Stand Your Ground laws, and how deeply held the support is for gun rights in this country. It's a couple of statistics, you know, people who buy guns, there's this sort of idea that because so many guns are bought outside of the federally licensed firearm dealer space, that these are sort of under the table transactions, low dollar kinds of thing. Guns are expensive, right? People who buy guns have money and it's changing, right? So two stats. So 60%, 20 years ago, we estimated, and we don't know because we don't have good data. We know very little about how firearms are transacted and sold in this country. But 20 years ago is routinely estimated at about 60% of guns were bought at a federally licensed firearm dealer and 40% were bought at a trade show under the table, whatever. Now we estimate that that's like 80%. That's a lot of guns that are being bought from retailers. And if you just think about it, your retail experience is going to be far more expensive than your underground economy experience, right. So these people are paying more for guns and they're buying more guns. 2020 was, was there's never been a year where as many guns were sold in America as in 2020, we're selling between half a million and three quarters of a million more guns per month, every month, beginning in March of 2020. There are something like 10 to 15 million AR 15s in civilian hands in this country. It's America sporting rifle, and American sporting rifle if you are deeply cynical think about America's sporting rifle, AR 15 is a military weapon. So you know, you could argue that Stand Your Ground laws had a real important role to play in the tremendous increase in demand for firearms in America because it lets you wear your gun into a public space, it gave you a reason to where you've gone into a public space because now you can use it whereas before you couldn't. And so now it's reasonable to have more guns, more guns at your disposal in your you know, in your glove compartment, in your in your pants, you don't just leave them locked up at home, you can use them anywhere. This is, you know, you've all these pieces fit together quite neatly the fear component, the gun component, falling crime rates, and the need to create demand for these these products at all. It all fits pretty neatly together, deeply cynical.

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Kelly Sampson 36:32

And I just want to take off my co-host hat for a moment and jump in on the point that all you all have been making about othering and cynicism inherent in these laws, just to touch a little bit on a disparity that you found in your research on and I know others have found as well. I think one important point to make about that is this is the prime example of the sorts of seemingly racially neutral laws that still result in a disparity because of some of these long standing, in some cases, implicit in some cases, explicit assumptions and stereotypes in our society. And one of those is idea of black criminality of the dangerous immigrants of the others. And so when you get to a courtroom, and there's a black decedent, and a person who shot them, whether they're black or white is saying I feared for my life. I had to do this. All those assumptions about who is dangerous, or whether it'd be reasonable to believe that that person pose a threat come into play. And that's why you can have a situation where this law is much more likely to allow a person who shoots and kills a black person to be deemed justified than someone who shoots and kills a white person, because we tend to assume that a black person is going to be dangerous, and that'd be reasonable to believe. So and I think to the point Dr. Light made, I think the attempt to enter into insurrection kind of shows what that looks like in society at an extreme level, where white people will often have the assumption of innocence or the assumption of sort of having a reasonable conduct versus people of color and black people are often going to be presumed to be dangerous, presumed to be a threat and treated as such, so that when they turn up, shot and killed by a person, people are much more inclined to believe that well, they must have had a good reason for shooting them.

D

#### Dr. Carolyn Light 38:23

Well said. I mean, I just I think you captured it beautifully right there. One thing I want to add, I appreciate Dr. Roman statistics about the gun shows and specifically what happened in 2020. And this unprecedented surge in gun purchases. And I think I have more of a question than a statement. This is where it's so complicated. I think you've cited already, Dr. Roman, that data is so hard to get, and it's deliberate. This is baked into the way our legal terrain addresses Second Amendment protections, which somehow, have included the right or the absence of a right by our federal government to really track. You know, we don't do a very good job of gathering data on who's purchasing these military grade weapons AR 15s which have become our number one recreational firearm. You know, it's ludicrous when you think about it, but these guns are so widespread now. And so my question really comes back to this politics of fear and othering in the correlation of A the horrors of our pandemic and our national lack of leadership around dealing with the Coronavirus Secondly, the relation related upsurge in resistance to anti-black violence. Also, starting especially in the spring and predominantly led by youth movements and by Black Lives Matter and the heightened visibility of these resistance movements, and, and also the perception of those movements and that widespread nationwide resistance

movement as a threat to white power, privilege and property. And I can't help but think about that white couple in St. Louis, standing their ground in front of their mansion, to, quote, protect their mansion from a group of peaceful protesters walking through their neighborhood. And one of them was holding an AR 15 and the other one was wielding in some kind of pistol. But basically, that couples spoke at the Republican Convention, to testify about the desperate need for protection of property, and for Law and Order, and just how powerfully entrenched that discourse around Law and Order and resistance to violent crime, and also the characterization, think about the language that we use as a nation to talk about riots and mobs and how racialized that language has become. It took a very long time before our media was actually referring to last week's insurgency as a mob as a violent insurgency. And that's no accident. This was a disproportionately white group of people who attacked and then occupied the Capitol Building. Many of them aren't.

D

Dr. John Roman 41:30

I mean, the number of issues we've we've raised here and how interrelated they are rather extraordinary. So, let me just sort of speak to that. I think, you know, I try to be optimistic. I am optimistic at this moment. We do have a new administration in a week. That administration has signaled to their transition team and the policy papers of the campaign that they're very interested in open data and open science. I think, though, that you know, one of the things that has happened that I think is critically important, and I see it in the way I see it, sorry Alyssa, I don't mean to overgeneralize. But your generation responds to all of these things. I see very different response from that generation that, that you know, that we we are finally, people are saying things people say of the president that he says things out loud, that people have believed forever, but nobody would say out loud, I feel like a lot of these sort of whispered things have now been said. I think that we understand much, much more more deeply and communally that we need better science, we need better data, and better data is the path to better science to help us have informed discussion. I always say we need a, you can't have any real policy discussion until you have a shared set of facts. We don't have a shared set of facts, because we don't have the data because we haven't allowed the data to be collected. And now we're going to do that. And I think we are going to have a better share of facts. And I think we have, you know, we have a very reactionary boomer generation. Sorry, folks, you know, and we have a very sort of progressive and I don't mean that in political terms, but, open to new ideas generation following me and the millennials and following them that will demand in large numbers that, you know, that there is transparency, rigor, objectivity, accountability, in the way we make decisions as a society. So I'm optimistic that these ideas are on the table, that these problems are on the table, and that we can find ideas to solve some of them.

A

Alyssa Ackbar 43:29

You know, I am, Dr. Roman, following your point about my generation being different. I guess. I really wish I was as optimistic as you are in the current moment. I think, even with the change of administration, there's still a lot that Democrats have historically not addressed and also have caused harm in, you know? Like we mentioned the the 1994 crime bill, that was Democrat. And Biden has already asserted many times that he's not going to push for certain progressive legislation that young people like me, we're looking forward to, like canceling college debt, for example. There's a lot to say in this change of administration in terms of people becoming more inactive when it comes to talking about these issues. I think that regardless of political structures, or who is in power politically at the moment, these conversations need to continue to happen at this scale with the current administration. There's a lot of things that are being emboldened I would say. That was one of the things that when we were talking about the election, I kept, saying, you know, I will be voting for Biden, but that does not mean he is my savior, nope, no politician is a savior in terms of dealing with these deep rooted issues. They are merely, you know, opponents to talk across the table too. But in that sense, you know, I really do hope that as we go into a different administration, people continue to have these conversations because there's no way that we're going to have any sort of change.

K

Kelly Sampson 44:55

And unfortunately, we do have to wrap up even though I know I can speak For JJ and myself, we would love to just sit here all day and talk to you all, because it's just so illuminating and so helpful. So in the time that we have remaining, I would love if each of you would share one thing that you wish people knew about Stand Your Ground laws or ways that people could push back on this sort of legislation.

D

Dr. Carolyn Light 45:20

I'll just, I'll start. And first Alyssa, I just want to thank you for that. Because I think my biggest fear going forward as much as I remain hopeful, like echoing Dr. Roman, like about, you know, a science-focused, public health-focused turn in this administration, I really am hopeful about that. I think our worst enemy is complacency. I think we cannot afford to take our foot off the gas pedal. So in answer to your great question, Kelly, I will say that I think what's happened with the Stand Your Ground laws is they've succeeded and normalizing a set of assumptions about the origins of threat, the location of threat. And as you said, so succinctly, Alyssa, the illusion of safety. And I think that's the terrifying thing. We have, what now 37 states that have some kind of iteration of this Stand Your Ground discourse embedded in their legal codes, and it's going to keep spreading. And I will say, when I wrote my book, I naively thought this was the end. I thought, oh, they're



terrible. Look at how awful this is. Everybody's outraged. No, no, no, no, no, we're complacent as a nation. And so I, I want to say that that's the thing I would be aware of, and people need to get involved. You need to call your legislators. You need to write letters to your elected officials. Hold them to account in resisting actively, not just the spread of the stand your ground laws, but keep pushing against the militarization of our police and the normalization of a carceral society. We can't afford to let up for one minute. So, that would be my plea to all listeners is that don't take your foot off the gas. Keep resisting now is our moment to keep pushing.

D

Dr. John Roman 47:16

And just pick up on that. I think the other thing that I would want, I would hope people would resist is the nationalization of politics, that we have the same debate everywhere now. And we used to have local debates used to say all politics is local. But I don't, I don't know if that's true anymore. All politics, sort of, is national now. But what's happening at the local level is really critical. Right? We've talked a ton about elected prosecutors, and there's been a big reform movement in LA and Philadelphia and other places, there have been reform minded prosecutors who can who can be sort of local democratic and, I mean that not in the partisan sense, but in the conventional sense of local democratic bulwark against terrible laws, terrible laws, like Stand Your Ground. But beyond that, beyond that, there's also loads of local politics in terms of sheriffs, sheriffs are really under appreciated reactionary force in American politics, the number of you know, the number of local sheriffs in this country who who enforce laws that would have looked reactionary in, you know, 1840 is striking. So there's a lot to be said about keeping your focus local, I think, you know, you've talked a lot about the DeSantis in Florida. And I think that's a primary case of a state that has just been overtaken by a national narrative, and local events have gone absolutely off the rails as a result of, of it being sort of a proxy battle of national Democrats and national Republicans. And if people in Florida were looking at their own self interest in their own local communities, they would probably arrive at a different conclusion. So let's help them have that local conversation instead of the national.

A

Alyssa Ackbar 48:57

Yeah, I'm gonna completely agree with what Dr. Roman said, I think that, in the past couple of years, national politics has been so, so popularized, and so entertaining for some that we have, kind of, shifted away from looking at state and local politics. And for someone, as someone that works with state legislators quite often, especially going into this session, it's so, so impactful, state legislation, as we have seen in this entire conversation. And I guess getting people to focus in on getting involved in their state

politics and local politics is something that I definitely want to push for. And also, you know, going off of what Dr. Light was saying, there's a lot of I would say, personal reflection in terms of not becoming complacent. And I think that when we talk about a lot of deep rooted issues in the United States, like when we talk about white supremacy, when we talk about capitalism, it's not just something that you understand, like, right off the bat, it's a process of, I would say radicalization, and I say that as like not a negative term. I know radicalization and radical has become a negative term in, you know, common language. But I would push people to be kind of self reflective in the way that we as individuals are aiding in the systems of oppression and how we're causing harm on a day to day basis. And yeah, I would just push people to be very reflective in the way that the systems that they interact with, the institutions that they interact with are aiding in oppression the United States. And I would even venture as to, you know, recommend that people, I don't know, a dive into a little radical theory. I think that's what kind of have really has really helped me in understanding a lot of these issues. And it may seem kind of far off, but I think that a lot of these conversations connect in that way. And I really do hope that my generation, specifically, does kind of get more involved and pay attention to what's going on. Not to say that we aren't, but I know a lot of people in my generation that are starting to be complacent. And I think we need to kind of venture away and really start off the bat with a with a lot of organization, a lot of organizing, a lot of involvement conversations.

A

Alyssa Ackbar 49:27

All right. Well, I mean, as always, I think I speak for Kelly and all of our listeners, when I say that, we would happily sit here for much, much longer to discuss this because, like so many things in gun violence prevention, it's so intersectional, right? When we're talking about standard ground balls, we're actually talking about 8,000 other things. But unfortunately, due to time we have we have to say goodbye. But I want to thank you all so, so much for coming on and, and hopefully we can get back together soon to talk about, you know, maybe something a little less terrifying.

D

Dr. Carolyn Light 51:32

Thanks so much.

A

Alyssa Ackbar 51:33

Yeah, thanks y'all.



Dr. John Roman 51:34

Thank you all.



Dr. Carolyn Light 51:35

Take care.



JJ Janflone 51:39

Okay, so Kelly, I didn't think this was gonna happen. But yet again, I've got a thrift store story.



Kelly Sampson 51:46

Oh, wow. Okay, let's go back to the thrift store.



JJ Janflone 51:48

Okay, so you really, I hope you realize this is our third thrift store story.



Kelly Sampson 51:52

I do. I feel like they're usually, I don't know. There's some places in life where you're like, this is chill, and I'm going to run into some weird stuff here. But not,



JJ Janflone 52:03

Yeah, not in a place that Macklemore has written an ode to.



Kelly Sampson 52:06

Woah, that is a throwback.



JJ Janflone 52:09

And you know how I'm old? I feel like it's still a recent song.



Kelly Sampson 52:13

We're the same age so.



JJ Janflone 52:15

Sorry, Kelly. We're old.



Kelly Sampson 52:17

I can't, I am in denial.



JJ Janflone 52:20

So this story takes us back to Jacksonville, Florida. So Jacksonville sheriff's office said that a child, and they didn't specify age they just said quote unquote young is being treated for an unintentional gunshot wound to the hand. The child found the gun inside a Hopes Closet Thrift Store when they reached, basically same as last time, they reached into a bin and the loaded firearm was present in the bin and unintentionally went off. Jacksonville Fire Rescue Department had to take the patient to a hospital and you know, provide right treatment. Apparently the young child is okay but like did suffer some pretty serious damage to their hand. No criminal activities being investigated at this time. Which tells me that probably, again, this is something where a gun was either unintentionally, as we did in one story, left behind, you know, someone set it down or, as we covered in our first store involving a thrift store, a gun was unintentionally donated.



Kelly Sampson 53:18

Right.



JJ Janflone 53:18

Because it was mixed up, jumbled up with other belongings and, unfortunately, someone who shouldn't have found it, found it. I'm going to start this week's wrap up by marking the 2001 Nevada County California shootings. It was on January 10 when a man opened fire in two separate shootings in Nevada County. The first shooting occurred at the Nevada County Department of Behavioral Health at 11:30am and the second at Lyon's Restaurant at 11:40am. In total, the shooting left two people seriously wounded and three individuals dead. The victims were 19 year old receptionist Laura Wilcox, 38 year old

mental health care giver pearly Mae Feldman, and 24 year old restaurant manager Mike Markel. The shooter was later arrested after an armed standoff. As a result of the shooting, Laura's Law was passed in 2004 which allows for court ordered assisted outpatient treatment in California. Meanwhile, we have a new story related to the attack on Capitol Hill on January 6. In a stroke of good news, the Michigan Capitol Commission, which is the group that manages the Michigan State Capitol Building, has banned the open carry of firearms inside the building via unanimous vote, the Commission passed a motion that bans openly carrying weapons in the building except for law enforcement officers. But some lawmakers would still like to see the law do more. For example, Governor Gretchen Whitmer said that the open carry ban is a good start, but more action is needed. The law still does allow open carry on the ground surrounding the building. And it is important to note as well that people who have a concealed carry license can still carry their firearms inside the Michigan State Capitol Building, provided they are, you know, concealed. And of course, this is something that is happening in a variety of states. So if you want to learn more about preventing loaded firearms from entering into legislative buildings, go to [bradyunited.org](https://bradyunited.org) to find out more about how you can get involved. Only 31 states completely prohibited firearms in their state capitol buildings. Hey, want to share with the podcast? Listeners can now get in touch with us here at Red, Blue, and Brady via phone or text message. So they call or text us at 480-744-3452 with your thoughts, questions, concerns, ideas, memes, what have you, I love hearing from all of you so please keep them coming in. Thanks for listening. As always, Brady's life saving work in Congress, the courts, and communities across the country is made possible thanks to you. For more information on Brady or how to get involved in the fight against gun violence, please like and subscribe to the podcast, get in touch with us at [bradyunited.org](https://bradyunited.org) or on social at [bradybuzz](https://bradybuzz). Be brave, and remember, take action, not sides.