

Testimony on House Bill 796 Civil Justice Committee

Submitted by: Rebecca Morton

Chair Hambley, Vice Chair Patton, Ranking Member Brown, and members of the committee, thank you for allowing me to present this testimony in opposition to House Bill 796.

My name is Rebecca Morton. I live here in Columbus, just a few miles up the street. Columbus is my adopted hometown, I am an Ohioan of a mere 20 years. I raised two children here, taught school here, volunteered and served on boards here. I have never missed voting in an election here. Most importantly, I have found here a community of fellow Ohioans I love and admire deeply--it's that community of friends and neighbors that has made me call myself an Ohioan for life. As an Ohioan, I am alarmed by the recklessness and violence of SB383.

I am particularly heartbroken and offended to be submitting this testimony within 24 hours of the eighth anniversary of the Sandy Hook massacre. My chest constricts with grief when I think of the parents of those exuberant then-first graders whose tiny lifeless bodies were removed from school, their faces shrouded, on gurneys that day. I think of how, now, their parents would be commiserating with one another about the difficulties, laughing and crying over the particular absurdities of distance learning with their ninth graders, of how they would give anything for those challenges and frustrations in the place of yesterday's devastating anniversary. Do those of you intent on passing this bill at least apprehend that this is a bad look? Sitting in the Legislature on this day, working to ease the standard by which the state requires a human being to think before they kill a human being looks heartless among other words that come to mind: Disrespectful. Craven. Cynical. Contemptible. Do you wish to say *In Memorium I care not for your greatest grief?* Your timing alone disgraces this body, this state. As an Ohioan I am an accessory to your shame, and I resent it.

SB383 would:

(1) be an undeserved gift to proponents of dismantling all sensible state impediments to increased gun violence and deaths

(2) enshrine in law the notion that a person carrying a firearm should not held responsible for reasonably assessing a threat to their life, nor for making reasonable, reality-based decisions about whether or not to discharge it lethally,

(3) guarantee increased bloodshed and loss of life throughout the state. That grief, loss, trauma, and injustice will be disproportionately borne by individuals, families, and communities of color.

My testimony herein focuses on the third point above. I am more than happy to take questions that respond to the second point which is stated without expansion. I cut that text in the interest of brevity, but am available to discuss it should any members desire.

Regarding the issue of racial inequity: Does Ohio sincerely want to be in the business of further deepening its commitment to mechanisms that uphold structural racism, that systematically perpetuate the moral cruelty of racism by baking inequities into its pursuit of liberty for some--nearly all of whom belong to the white-completed majority?

. . .

Below I am drawing directly from testimony submitted to this committee by Douglas Rogers on December 7, 2020:

The Leadership Conference on Civil and Human Rights wrote in 2013, "Because of systemic and unconscious racial bias, "stand your ground" [SYG] laws increase the danger to which people of color are subjected, without offering adequate opportunity for redress."

<https://civilrights.org/resource/re-hearing-on-stand-your-ground-laws-civil-rights-and-public-safety-implications-of-the-expanded-use-of-deadly-force/> SYG laws "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." Id.

The American Bar Association's 2015 Task Force on Stand Your Ground Laws similarly discussed the polarizing effect of SYG. It found, "The application of Stand Your Ground laws is unpredictable, uneven, and results in racial disparities."

<https://www.issueab.org/resources/22713/22713.pdf> . In the Task Force Report, Rev. Leonard Leach of the Mt. Hebron Missionary Baptist Church said that SYG "exacerbates the tension that already exists between persons and classes who are different from us and individuals with whom we have strained relationships." Id. at 24. He continued, "It perpetuates a foolish bravado of those who feel a bold security when they have a gun in their hand, and it exonerates an arrogance and/or ignorance." Id.

In July of 2020, the Giffords Law Center to Prevent Gun Violence issued a report that said, SYG “laws suffer from pervasive racial and gender bias in their application, deepening disparities in the legal system and disproportionately justifying the use of violence by people who are white and male against people who are not.”[i] https://www.splcenter.org/sites/default/files/_stand_your_ground_kills_-_how_these_nra-backed_laws_promote_racist_violence_1.pdf It reported that “a white (civilian) shooter who kills a black victim is 350 percent more likely to be found to be justified than if the same shooter killed a white victim.” Id. at p. 5.

Also in this year, Ohio Chief Justice Maureen O’Connor discussed the problems of racial inequality in our country and said, “I don’t know that I’ll ever truly appreciate what the feelings are, what the emotions are and the sense of loss that is built upon centuries of inequality in our country.” However, she added, “I can understand the outrage.” <https://www.dispatch.com/news/20200813/teary-chief-justice-talks-emotionally-about-rsquo-centuries-of-inequalityrsquo-in-court-video?template=ampart> .

Most recently, the Commission of the City of Dayton passed a resolution recognizing the increase in firearm homicides resulting from stand your ground laws and the disproportionate effect stand your ground laws have had on communities of color.

If it passed SB383, the General Assembly would virtually slap people of color in the face and tell them that the “centuries of inequality in our country” will not end and that Ohio government does not care about equal justice. Passage would announce that in Ohio the ideal of equal justice for all is just a mirage and not for people of color.

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Back to my words: I remind you that neither the intent, nor the language of the law need touch on the racial implications of its application in order to be racist at its core. Outcomes alone account for the bias that cannot be untangled from the injury. Simply put--if this law endangers and eliminates more lives lived in black or brown skin than it does white lives, the law is racist, the law is an agent of a racist state whether or not its authors and proponents drafted and passed the law with bias in their hearts. I want to live in a state that approaches matters of race and racial outcomes with eyes wide open. Just as we consider and amend our statutes with a mind that asks, Does this benefit the general welfare? Might it do harm? I wish we would bring to that interrogation: Will this fortify or rectify the original sin--the dehumanization of non-white lives--that lives in the soul of this nation as robustly as does the pursuit of liberty? I would prefer to live under law where a person’s liberty to kill is, at the very least, attached to her fellow citizen’s liberty to live.

Thank you for this opportunity to make my thoughts part of this process.

Rebecca Morton
December 15, 2020

Douglas Rogers included these following URLs for reports evidencing some of the broad expert opposition nationally to such laws as SB383 and the additional gun violence that has been the result of such laws:

<https://scholars.org/contribution/why-stand-your-ground-laws-are-dangerous>

<https://www.govinfo.gov/content/pkg/CHRG-113shrg94124/pdf/CHRG-113shrg94124.pdf>

https://www.americanbar.org/groups/diversity/racial_ethnic_justice/projects/SYG/

<https://www.nytimes.com/2015/05/04/opinion/stand-your-ground-makes-no-sense.html>

<https://www.nber.org/papers/w18187.pdf>

<https://www.issuelab.org/resources/22713/22713.pdf>

<https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/258298>

<https://www.rand.org/research/gun-policy/methodology.html>

<https://www.rand.org/blog/2019/09/stand-your-ground-laws-increase-violence.html>.

https://www.splcenter.org/sites/default/files/_stand_your_ground_kills_-_how_these_nra-backed_laws_promote_racist_violence_1.pdf

