Bill of Rights in the News:  
Stand Your Ground and Castle Doctrine Laws

Media coverage of the Trayvon Martin case has brought “Stand-Your-Ground” laws to the attention of many throughout the country. Some have speculated that George Zimmerman, charged with second degree murder in the shooting death of Martin, may cite Florida’s “Stand-Your-Ground” law in his defense. Florida’s “Stand-Your-Ground” law was passed in 2005. The law allows those who feel a reasonable threat of death or bodily injury to “meet force with force” rather than retreat. Similar “Castle Doctrine” laws assert that a person does not need to retreat if their home is attacked. Over half of the states in the United States have forms of “Stand-Your-Ground” or “Castle Laws” laws on their books, and more states are considering adding these laws. What constitutional protections and issues are related to these laws?

Bill of Rights Institute Resources

U.S. Constitution

U.S. Bill of Rights

Florida’s “Stand Your Ground” Law

Court Case Resources

Beard v. United States (1895), Find Law

D.C. v. Heller (2008), Cornell University Legal Information Institute

News Resources

Stand Your Ground Rollback Stalls on NRA Clash, Business Week

Task force to consider ‘stand your ground’ after Trayvon Martin death, CNN

Stand Your Ground back in the spotlight, WSTP.com

SC lawmaker wants to change ‘Stand Your Ground’ law, FOXCarolina.com

Proponents say ‘Castle Doctrine’ is a solid law, Register-Herald.com
Florida’s “Stand-Your-Ground” law states, “A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.” How would you put this law in your own words?

2. What provisions, if any, in the U.S. Constitution or Bill of Rights could be used to support “Stand-Your-Ground” or “Castle Doctrine” laws?

3. What arguments do the proponents of “Stand-Your-Ground” or “Castle Doctrine” laws use to defend their position? What arguments do the opponents of these laws use to defend their position?

4. What is the difference between “Stand-Your-Ground” and “Castle Doctrine” laws? Why do you think some states might have one type of law and not the other?

5. How do you think the media has played a role in the coverage of “Stand-Your-Ground” cases in the past few months?

Extension

A. Have students research the case Beard v. United States (1985). How did the Court rule? What legal precedents did this case set regarding “Stand-Your-Ground” or “Castle Doctrine” laws?

B. Have students read the ruling in the 2008 case of D.C. v. Heller. What evidence does the Court offer for its conclusion that the Second Amendment was written to “codify a pre-existing right” to self-defense? How do the dissenting justices respond to that conclusion? Whose arguments were more persuasive?