



## TO PROTECT BLACK LIVES, GEORGIA'S LAWS HAVE TO CHANGE CALL YOUR LEGISLATORS TODAY

It was not just their individual racist conditioning and white privilege that led the McMichaels to murder Ahmaud Arbery; it was also their certain knowledge of the state laws that empower white people to engage in lethal vigilantism against black people. This was argued eloquently by Charles M. Blow in his New York Times opinion piece, [The Killing of Ahmaud Arbery](#).

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*“The most infuriating part of most of the cases in which unarmed black men are killed, either by the police or vigilantes, is the lack of arrest, prosecution or conviction. It is not any suggestion that the killers were right, morally, but rather that in most cases it could be reasonably argued that the killings were legal...”*

*Slavery was legal. The Black Codes were legal. Sundown towns were legal. Sharecropping was legal. Jim Crow was legal. Racial covenants were legal. Mass incarceration is legal. Chasing a black man or boy with your gun because you suspect him a criminal is legal. Using lethal force as an act of self-defense in a physical dispute that you provoke and could easily have avoided is, often, legal.*

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**If we want to stop killings like that of Ahmaud Arbery, we have to change the laws that encourage them.** If we want to bring about justice, we have to repeal the laws that obstruct it. Regardless of COVID-19, we can all run with Ahmaud by calling our state legislators. [Phone calls are much more effective than emails](#) and exponentially more effective than online petitions.

**If you really want to make a difference, please make some phone calls.**

You can find your legislators' contact information by entering your address at [https://openstates.org/find\\_your\\_legislator/](https://openstates.org/find_your_legislator/)

### **Before you call:**

Read the background information provided below so that you feel comfortable, but keep in mind that you do not have to make yourself an expert to ask for these changes. As a member of this community who has been impacted by this killing and this culture, your opinion is important and your feelings and values matter.

### **When you call:**

- Be polite. Tell the person who answers the phone your name and that you are a constituent and you want to talk to Representative X (or Senator Y) or the relevant staff person about the legal changes that are needed to prevent incidents like the killing of Ahmaud Arbery.
- You may not be able to speak with your legislator in person. More likely, you will speak with a staff person, who will pass your message along in one form or another.



- **Make sure your request is clear: I want Representative X (or Senator Y) to work for:**
  1. Passage of [HB 426](#), a Hate Crimes bill currently in the legislature that will allow stronger punishments if a jury finds a crime was committed against someone because of their race, gender, religion, sexual orientation or disability. This bill passed the House and is stalled in the Senate Judiciary committee, so you only need to talk to your Senator about it.
  2. Repeal of Georgia’s Open Carry, Citizen’s Arrest and Lethal Force in Self-defense, aka “stand your ground” laws. Include these in talking to your Senator and your Representatives.
- Tell them why this is so important to you and make it personal.
- Ask them what Representative X or Senator Y is doing about these issues. If the answer doesn’t satisfy you, say politely that you expect them to do more, or differently. Ask them to make sure the legislator knows this.
- Thank them for their time.

## Background:

Although it seems that under a strict interpretation of these laws, the McMichaels are still legally guilty of murder, vague legal language combined with pervasive racial bias can lead juries to bring in not guilty verdicts in cases like these, which further empowers and encourages anti-black vigilantism. These laws were cited by District Attorney George Barnhill, who eventually recused himself, in a [letter to the Glynn County police department](#) as reasons why the McMichaels’ actions were “perfectly legal.” Laws like these were used to [let George Zimmerman walk free](#) after killing Trayvon Martin in Florida and to justify the unjustifiable killing of black people by police all over the country. These are the laws that the McMichaels’ attorneys will undoubtedly use to argue the innocence of their clients.

## Georgia’s Open Carry Law

[Official Code of Georgia Annotated § 16-11-126](#) allows any person to openly carry a handgun if the person has a “weapons carry” license. Georgia also allows any person to openly carry a long gun. In fact, if a long gun is carried while it is loaded, it must be carried openly.

“Carrying openly visible guns in public can quickly turn arguments fatal, be used to intimidate and suppress the First Amendment rights of others, and create confusion for law enforcement responding to shootings.”([Giffords Law Center](#)).

“Violent extremists and hate criminals often use guns as a tool to threaten and intimidate members of historically vulnerable or marginalized communities. In doing so, they inflict serious harm without ever pulling the trigger” ([Center for American Progress](#)).

## Georgia’s Citizen’s Arrest Law

[O.C.G.A. § 17-4-60 Grounds for arrest](#), states “A private person may arrest an offender if the offense is committed in his presence or within his immediate knowledge. If the offense is a felony and the offender is escaping or attempting to escape, a private person may arrest him upon reasonable and probable grounds of suspicion.”

This law was [invoked in 2019](#) after a young white woman chased down a 62-year-old black man who left the scene of a minor car accident, began punching him and then shot him dead in Atlanta. She was not personally involved in the accident.



“Reasonable and probable grounds of suspicion” is not defined, leaving this law open to interpretation by vigilantes, law enforcement and members of juries whose bias leads them to see black people as criminals and a black man running as proof of guilt.

Not surprisingly, this law dates back to the civil war era. In 2020, with cell phones, 911 calls and generally fast police responsiveness, it is obsolete and dangerous.

## Georgia’s Self-Defense “Stand Your Ground” Law

Under [O.C.G.A. § 16-3-21](#), people who “reasonably believe” that their life or property is being threatened don't have to retreat (stand your ground) and can use deadly force if they think it's necessary to prevent their own death or "great bodily injury" to themselves or other people or to prevent a "forcible felony," such as rape, armed robbery or kidnapping. While there are exceptions to the use of deadly force that apply to the McMichaels – if the person using deadly force was the aggressor, or initially provoked the other person – District Attorney George Barnhill interpreted the McMichael’s actions as justified under this law.

A jury may do so as well. “Stand your ground” has been used successfully as a defense even when the ground the killer was standing on had been reached by stalking the victim, as in the Trayvon Martin case.

This law was unsuccessfully challenged in 2012 as “unconstitutionally vague,” particularly with regard to the standard of “reasonable fear” as reported in a [Courthouse News article](#).

“It is without question that the determination of the reasonableness of one’s fear in the invocation of self-defense will differ in application if the decedent is an unarmed elderly white woman as opposed to an unarmed young black man,” the complaint states. “Thus the reasonable person standard with regards to the use of self-defense when an individual is standing one’s ground offers different levels of protection to individuals based upon their race.”

The [Giffords Law Center](#) lists these important facts:

**Multiple studies show that Florida’s stand your ground law escalated violence across the state.**

**Stand your ground laws have proven to be a clear threat to public safety, with no evidence that these laws deter crime.** In fact, studies have conclusively associated these laws with increases in homicides and injuries.

**In many cases, the race of the attacker and victim are highly significant factors in whether an attack is determined to be justified.**

- Controlling for other factors, the odds a white-on-black homicide is found justified is 281% greater than the odds a white-on-white homicide is found justified.
- An analysis of Florida stand your ground cases similarly found that a defendant is twice as likely to be convicted in a case that involves white victims compared to those involving non-white victims.

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