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## WALKING WHILE BLACK (PART II)

### *An implausible self-defense claim, and city officials who try to justify the unjustifiable*

*By Julius (Jay) Wachtel.* Click [here](#) and listen closely. That's George Zimmerman, two minutes and twenty-two seconds into his call to Sanford police. Your blogger recorded this fragment from the [911 tape](#), which is posted in its entirety on a TV station website. Now click [here](#) for a segment that your blogger processed with [Audacity's](#) standard noise-reduction algorithm. According to news reports (see, for example, the above video) you're hearing someone, allegedly Zimmerman, utter the odious slur "fuckin' coons," a purported reference to the ethnicity of the 17-year old youth whom the community watch captain would shoot dead moments later.

In our [initial post](#) we mentioned that after five hours of questioning Sanford police concluded that there wasn't probable cause to arrest Zimmerman and let him go. Chief Lee said that the shooting, while regrettable, [was likely in self-defense](#). "All the physical evidence and testimony we have independent of what Mr. Zimmerman provides corroborates this claim to self defense."

Chief Lee had the 911 tape. The slur is very indistinct and likely escaped notice. But there is no disputing what the dispatcher told Zimmerman a moment later (click [here](#) for a complete transcript):

Dispatcher: He's running? Which way is he running?

Zimmerman: Down towards the other entrance to the neighborhood.

Dispatcher: OK. Which entrance is that that he's heading towards?

Zimmerman: The back entrance...[mutters] "fucking coons" (?)...[labored breathing as though running]

Dispatcher: Are you following him?

Zimmerman: Yeah...

Dispatcher: Ok, we don't need you to do that. OK. Alright sir, what is your name?

Zimmerman: George...He ran.

Listen to the [tape](#). Pay attention to the dispatcher's tone. He's clearly admonishing the caller *not* to chase. [Somehow Chief Lee missed that](#): "When dispatchers told him not to do anything, it was just a recommendation."

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Enacted in 2005, [Florida's "stand your ground" law](#) eliminates the requirement that citizens try to retreat in the face of real or threatened violence. Here's [a prosecutor's prophetic lament](#) about the ill-advised statute from nearly two years ago: "Before this law, I kind of had an obligation to avoid going to a gunfight, to avoid deadly force. Before this law, I kind of had an obligation to call the police. Now, I can go to a gunfight and stand my ground."

No doubt, the law makes it easier to prevail with a claim of self-defense. In the present case, though, the power imbalance couldn't be more extreme, and in the direction opposite of that envisioned by the statute. Imagine being stalked by a hulking, armed idiot, eleven years older and a good fifty or more pounds heavier. To excuse the shooting Chief Lee had to transform the victim, Trayvon Martin, [into the assailant](#): "If someone asks you, 'Hey do you live here?' is it OK for you to jump on them and beat the crap out of somebody?"

"Beat the crap out of" is how the Chief spun it. Yes, Zimmerman got decked. For all we know he might have already displayed his gun. Even if he hadn't, who had the more legitimate claim to self-defense? An armed vigilante or a scared, skinny youth who wasn't even carrying a stick and was just trying to get home?

Yet even after the city commission voted 3-2 to censure the chief, the city manager persists in characterizing Zimmerman as the aggrieved party. Really, once the case hits the courts – and it's a matter of when, not if – it's certain that both officials will be called as witnesses for the defense. Think not? Consider this excerpt from an [official letter of explanation](#) that the city manager recently [posted on the web](#):

## **Why was George Zimmerman not arrested the night of the shooting?**

When the Sanford Police Department arrived at the scene of the incident, Mr. Zimmerman provided a statement claiming he acted in self defense which at the time was supported by physical evidence and testimony. By Florida Statute, law enforcement was PROHIBITED from making an arrest based on the facts and circumstances they had at the time. Additionally, when any police officer makes an arrest for any reason, the officer MUST swear and affirm that he/she is making the arrest in good faith and with probable cause. If the arrest is done maliciously and in bad faith, the officer and the City may be held liable. [All emphasis from the original.]

Compare that to what [Florida law](#) says about making an arrest after a claim of self-defense:

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776.032...(2) A law enforcement agency may use standard procedures for investigating the use of force [in self-defense] but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

The conclusion that police were “PROHIBITED” from making an arrest is the City Manager’s. Sure, it’s nice that Zimmerman gave a statement. Regrettably, though, the only person who could contest its contents is dead. Police are under no obligation to give obviously self-serving comments any weight. Whatever “corroboration” there was seems mostly spin. There were plenty of objective reasons to believe that Zimmerman used excessive force, and officers would have been well within their rights to take him into custody.

It turns out that the chief and city manager spun something else. Both originally portrayed the shooter as a law-abiding fellow. But according to the [Boston Herald](#), Florida cops arrested Zimmerman in 2005 for interfering in an arrest. Zimmerman got pretrial diversion. A month later he was named in a domestic violence petition. Here’s how the City Manager [tried to explain away](#) the discrepancy:

**Why was George Zimmerman labeled as “squeaky clean” when in fact he has a prior arrest history?** In one of the initial meetings with the father of the victim the investigator related to him the account that Mr. Zimmerman provided of the incident. At that time the investigator said that Mr. Zimmerman portrayed himself to be “squeaky clean”. We are aware of the background information regarding both individuals involved in this event. We believe Mr. Martin may have misconstrued this information.

Zimmerman has also been accused of being overzealous on patrol; one incident involved another black youth.

We will never positively know what happened on that Sunday evening when a pistol-packing neighborhood-watch captain confronted an unarmed youth against instructions from the 911 dispatcher. We do know the outcome: the captain wound up with a bruised face, while the youth got a bullet in the chest. Whether Zimmerman, an older and much larger man fired from anger or because he reasonably feared serious injury or death seems like something for a jury to decide. Not the city manager or police.