

Cultural Daily

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3 1/2 Minutes, TEN BULLETS — A Mother Stands Her Ground

Sophia Stein · Thursday, July 23rd, 2015

In *3 1/2 Minutes, Ten Bullets*, each of us becomes a member of the jury as Michael Dunn stands trial for the murder of Jordan Davis, the seventeen year old Black teenager, who died tragically when Mr. Dunn became enraged over the volume of the rap music coming from the car next to him and, as a result, fired ten shots at Jordan and his friends. In the state of Florida, the Stand Your Ground law, also known as the “Line In the Sand” or “No Duty to Retreat” law, provided the pretext for Mr. Dunn’s defense in shooting the unarmed African American teenagers. Ironically, because no witnesses had heard Dunn use racist language, Dunn was not charged with a hate crime, so no one was allowed to discuss race in the courtroom. “It’s a very personal story that illuminates a pervasive issue we’re dealing with in this country,” recounts Participant Media’s head of documentary film, executive producer Diane Weyermann.

Stand Your Ground laws, which provide a legal basis to meet standing force with force, have emboldened arms holders who no longer have any duty to retreat. The documentary film is an indictment of the very construction of these statutes. *3 1/2 Minutes, Ten Bullets* forces us to consider carefully: What kind of America do we want to live in?

At the time of my interview last April with Lucia McBath, Jordan’s mother, about the film, the Baltimore riots were underway in response to the investigation of the wrongful death of Freddy Gray. This morning as I open my Facebook feed, I see a posting from director Ava DuVernay, in reference to the mysterious circumstances in the death of Sandra Bland, who purportedly hung herself while being held in police custody for a minor traffic violation. DuVernay alleges that the dashcam video from the time of Bland’s arrest has clearly been doctored.

Sandra Bland,

Freddy Gray,

Trayvon Martin,

Michael Brown,

Eric Garner,

Tamir Rice ...

Not a month lapses without reports of some new incident of interracial violence and miscarriage of

justice at the hands of our legal officials.

In the words of Producer Minette Nelson: “This country is embroiled in a struggle that it has long refused to acknowledge. Now we’re up against the wall. It needs to be addressed.”

I am so inspired by the strength and vision of Lucia McBath, who is striving indefatigably to give meaning to her son’s death, to effect social change that might benefit all of us. She and Jordan’s father, Ron Davis worked in concert with director Marc Silver (*Who is Dayani Crystal*), to pay tribute to Jordan in this powerful documentary, which won the Amnesty International Award for Best Documentary and the Sundance Cinematography Award, World Documentary.

It was an honor to speak with this remarkable mother and woman of courage, Lucia McBath, at the Fairmont San Francisco hotel concerning the death of her son, Jordan Davis, and the illuminating documentary, *3 ½ Minutes – Ten Bullets*.



Sophia: The death of your son, Jordan Davis, and his story as conveyed in this film is a powerful indictment of the Stand Your Ground law in Florida. Can you talk about that statute.

Lucia: Stand Your Ground was enacted in Florida in 2005. That very law or some form of stand-your-ground is now in practice in twenty-six states, and it is pending enactment in an additional five or six states. The law is an expansion of your basic common self-defense laws. Every state has common self-defense laws based upon the castle doctrine, which states that a man has a right to protect his castle, his territory, his home, his family — but the shooter must avoid using force at all costs. If you’re in imminent danger and have no other recourse, then of course, you are legally able to use force.

The Stand Your Ground law waters down that doctrine. There is not duty to retreat. It absolves the shooter of all responsibility and accountability for their actions. Even if the use of force is based upon only a perception of a threat, not necessarily a credible threat, the shooter is still justified in using that force. It makes it very, very difficult for prosecutors to try those kinds of cases because you’re dealing with a victim that is often dead, so there is no one to refute what the shooter says happened.

How do you allow someone to get away with a criminal behavior [shooting to kill] based upon just a suspicion of a threat? When, as a society, we allow people to use the law to justify their own vigilantism, their behaviors, angers, and fears, that’s a slippery slope.

Sophia: After Dunn fired ten shots into the car, he fled. Then Jordan’s friends called the police. Michael Dunn never called the police?

Lucia: Never. Never. He never called the police. And his girlfriend didn’t, either. That was the thing that really bothered me. If you believe you are threatened, if you believe you are in fear for your life — you’ve just shot ten rounds into the car, you can hear the police coming to the scene of the crime, they’re passing you as you’re leaving the scene — why wouldn’t you stand your ground, stay there to report that to the police: “I was threatened. I was fearing for my life.” You leave the scene, you go back to your hotel, you walk your dog Charlie, you have a couple of stiff drinks, you order a pizza, and you go to bed. Both of you. So, in my mind, you knew exactly what you were

doing. And then, once you find out you've murdered someone, what do you do? You get in your car and drive back home, and never ever contact the police.

Sophia: Michael Dunn's fiancée was the key witness in this case. She ultimately did testify against her boyfriend. Something kicked in, somewhere, and she had the conviction to tell the truth. What was it like for you that day when you heard that testimony? Did you expect that testimony?

Lucia: Not at all. From the very beginning, I did not have any inclination to believe that she would tell the truth. I had more doubts than anyone.

I kept insisting: "Why aren't we prosecuting her? She was an accessory. She didn't say anything. She kept her mouth shut. They went home, locked up the car in the garage, and didn't say anything." The prosecutors and the detectives kept responding, "All we can tell you is that she is communicating with us." So I didn't have any faith that when it came time to tell the truth on the stand, that she was going to do so. When she testified, that was like the weight of an elephant had been lifted off my chest ... I felt like: Oh, my gosh, thank God! Thank you, Lord.

I never really thought it was because she felt a conviction to tell the truth. I always thought it was because she knew that if she didn't tell the truth, she was going to jail because she still remained an accessory to the murder.



Sophia: One of the things that really blew my mind, which we learn at the end of the film, was that there was some kind of pre-motion trial in effect "to take race out of the case." The attorneys were actually prohibited from discussing race in the courtroom.

Lucia: And we couldn't call Jordan, "the victim." We were not allowed to show pictures of Jordan — family pictures, pictures of his friends, nothing. But Michael Dunn, of course, had all those things. We had to remain very stoic. We were not allowed to express any emotion because, I guess, the Defense feared that we would sway the jurors. But Michael Dunn cried all he wanted to. He was very emotional, while we had to remain very stoic. I understand that Judge Healey was trying to keep control over the courtroom, but still, for us, it was like stabbing us in the heart, adding insult to injury for us.

Sophia: The director of the film, Marc Silver, has observed, "[Michael Dunn] was so blind to his own racism that I felt he became a metaphor for how far the U.S. is from being a post-racial society."

Lucia: Absolutely, I agree with that one-hundred percent. I think our film and our case is bringing to reality the implicit biases that people still have. That saddens me, that grieves me because we're supposed to be a "nation under God." Everyone has migrated here for "the land of milk and honey," and everyone is supposed to have the freedom to go after the American dream. And yet, to this day, we're still dealing with the implicit biases and distortions of who people are that don't look, think, or act like you. As long as people are doing the kinds of things that they are doing through the justice system, academically, and systemically all across the board to people from being able to exercise their basic human and civil rights, we are not on the cusp of being a post-racial society.

Sophia: A defense attorney in his closing arguments to the jury, points to the American flag and tells them: “That flag that wraps around this man [Michael Dunn] until the state can prove [his guilt] beyond a reasonable doubt.” In the words of one of Jordan’s supporters, “This was a 21st century lynching.” Do you think Jordan’s murder constitutes a version of a 21st century lynching?

Lucia: I have said it many, many times. The first time, I said it publicly, I got my hands slapped, but I do liken this to legal latter-day lynching. That’s how I see Stand Your Ground, as a form of legal justification for gunning down people.



Sophia: At some point in the film, Jordan’s father, Ron Davis, talks about a dream he has been having, in which he warns his son — “Watch what you say, watch what you do,” and he sees Jordan apologize to him. It is as though Ron is trying to rewrite the script, ruminating on “How could I have prevented this?” People are so aggressive today, I often feel that we are living in a tinderbox, where the aggression can blow up in so many situations at any given moment. Is there anything that you wish you could have done or said to your son that might have prevented what happened to him?

Lucia: There is nothing I could have done or said because we had already said it. I remember the day. We were in my bedroom when George Zimmerman had been absolved of any responsibility in the death of Trayvon Martin, and I remember Jordan and I having this really deep conversation. He asked, “Mom, why did he shoot down, Trayvon? How did he get away with that?” And “Why – did they let him get away with that?” I remember Jordan saying, “I’m so angry because, you know, I’m a Black man, and they could do the same thing to me.” “They could do the same thing to me.” And I remember telling him, “Jordan, honey, you have to understand that simply because of the nature of who you are as a young, Black male, there will be people, people right here in this country that will not receive you as a human being. They will not consider you valuable. And you have to know your value. You have to know your worth. You have to be careful where you go, who you’re with. You have to be careful of your surroundings at all points, because at any point in time, nowadays, even if you get into a confrontation with someone, they may not even use logical, reasonable conflict resolution. They will just shoot you.” I said those very words to him. And Jordan and his seventeen year old bravado responded: “No one’s going to shoot me. It’s not going to happen to me. I can run faster.”

Sophia: His shooting happened five minutes from your home, during daylight, in the company of his best friends, in what should have been a completely safe situation.

Lucia: Exactly.

Sophia: That’s a tragedy of inconceivable import.

Lucia: That’s to show that no community is immune. No community is immune anymore because people have access to guns, and they’re doing horrible things with guns. Women are dying at the hands of domestic abusers, all the time. The number one way that children are dying in the home is through access to guns, and they are shooting themselves or one another. The gun laws have become so relaxed in this country that we’re gunning down our own people.

Sophia: What are some of the reforms that you hope for? That you are working for?

Lucia: I don't ever believe that we will be able to repeal the Stand Your Ground law, but perhaps we could amend it ...

Sophia: Do you think the constitutionality of this law may be challenged at the level of the Supreme Court?

Lucia: The constitutionality of Stand Your Ground laws absolutely needs to be addressed. Our common self-defense laws, the castle doctrine, that's enough.

You cannot absolve a person of the responsibility of preserving human life at all costs. And that is exactly what the Stand Your Ground law does. Stand Your Ground gives people immunity — even in regards to harming innocent bystanders. The families of innocent victims have no legal recourse to recover damages for the pain and suffering caused on account of the accidental shooting and death of a loved one.



Sophia: Dunn was convicted of first degree murder in the death of Jordan Davis, three counts of attempted murder, and for use of a weapon in public, for which he will serve life in prison.

Lucia: Life, plus.

Sophia: Was the death sentence a possibility in this case?

Lucia: From the very beginning, we said, no, we weren't going to even entertain that notion. That wouldn't serve any purpose for us ... because it lets Michael Dunn off. Because we really believe that we're talking about life here. We're talking about *saving* life. So how hypocritical would we be to ask that Michael Dunn's life be taken because he took our son Jordan's life. We don't believe in the death penalty.

Sophia: Your father worked with Lyndon B. Johnson?

Lucia: Yeah, I have a picture of Daddy standing behind Lyndon Baines Johnson as President Johnson was signing the Civil Rights Act. I have a picture of Daddy with Eleanor Roosevelt and photographs of him with Roy Wilkins and some of the other civil rights leaders.

I guess I didn't really know who I was all these years. Only as an adult have I come to understand the impact that my mother's and my father's work with the civil rights movement had on me. All the times that we would travel around with Daddy as he gave speeches, watching my father edit *The Voice* newspaper and write articles, I didn't really understand what it was that Daddy did. I knew that it was important, and I knew that it was important to our people.

Daddy thought that it was very important for me to be a legislative aid with the Washington bureau of the NAACP, which I did. In college I was a legislative aid to state Senator Wilder, who became Governor Wilder of Virginia, the first Black Governor. I guess I just didn't quite understand the impact of the civil rights work on social justice, and all of that, on me. But once Jordan died, I think all the experiences that I'd had up until that point in my life, played a part in who I became. Jordan was the catalyst for me.

Sophia: Is there a social action campaign tied to this film?

Lucia: Participant Media has launched a **social action campaign** (“Don’t Be Silent Take the Pledge to Be An Ally for Racial Justice”) in conjunction with the film, and there is also the work that I do with **Every Town for Gun Safety** and **Moms Demand Action for Gun Sense in America**. They gave me the national platform, the ability to be able to speak out about what has been happening with our case and gun violence in the country. Every Town for Gun Safety is the largest non-partisan, grass-roots, gun violence prevention organization in the country. They are the umbrella organization for Moms Demand Action for Gun Sense in America and **Mayors Against Illegal Guns**, which is [former] Mayor Bloomberg’s organization. So we have now all grafted together under the umbrella of Every Town for Gun Safety. We have over six-hundred gun violence survivor activists. We’ve got 2.5 million online supporters of gun violence prevention. We are NRA members, gun owners, law enforcement, teachers, mayors, mothers – we come from every spectrum of the country to prevent gun violence.

Sophia: What is it that you would say today to the folks in Baltimore where the Mayor has declared a state of emergency. What message would you send them?

Lucia: I don’t advocate burning down their neighborhoods. I don’t advocate the violence, but I do understand why. I do understand that that is a result of just how disregarded they feel. How vilified they feel. I understand that. But if that’s all the world sees us be, we’re never going to be able to create change for our communities. We will not get the attention of the legislators, and the civic leaders, and the clergy, and the movers and the shakers — the people who have the ability to change the processes that we need changed by burning down our neighborhoods. Because then all we’ve done is continue to destroy ourselves. We’ve got to get beyond the anger, to utilize the anger in a progressive, positive way to create the changes that our communities need.

Sophia: In what ways has the making of the film been healing? In what ways has it been challenging?

Lucia: It’s been very cathartic. It’s been a way for us to walk through our grief and not just be so completely overwhelmed and devastated by it. What I find is that people who are suffering the same kinds of tragedies that we have been suffering, they just don’t have any means to rise above it. We’ve been blessed beyond measure to be able to use the film and our story as a means to work out everything that we were trying to teach Jordan. The film for us is not merely a way to memorialize Jordan, but how can I say it – it has become a way for us to just care about everybody else, to become a catalyst for people that don’t have a voice, for people who don’t know where to turn. To get people to start discussing what’s happening in the country. And to just check in with themselves, to ask themselves:

Do I have implicit biases about people of color?

What do I think about guns and violence and race and God?

How do they all fit into the equation together? Do they fit into an equation together?

Can I be a Christian – with a sidearm, afraid of my neighbor?

So if we can do that with this film, then that memorializes *everybody that has been gunned down*, all the people that have suffered needlessly and senselessly. So this is not just about Jordan and

about our family. This is an epidemic of America.

Sophia: Absolutely. Absolutely. I so appreciate your willingness to have made the film through your tragedy because this does speak to very, very critical issues that we have to address.

Lucia: It's way beyond us. It just lends itself to who we are becoming as a nation.

How can we call ourselves people of faith? How can we say that we are our brother's keeper? How can we say, "I love everybody." And how can we say, "You know, I'm supposed to care about you, but I don't trust you enough, so let me carry a sidearm, just in case."

This is about humanity. This is about saving humanity here.

Sophia: That final shot in the film, Jordan's father is watching a video of Jordan singing and dancing in the car. Was that video from that day, the day of his death?

Lucia: Jordan would often-times film himself, you know, dancing in the car because that was his thing. In the car, playing loud music and dancing.

Whenever Jordan would ride in the car with me, he'd be up in the front seat there, and he would always have the windows down. I would be like, "Jordan, it's freezing." "Ma, come on ma." And I would be embarrassed, you know like, "Jordan turn the volume down. It's loud, it's too loud." "Come on, mom," he's dancing and listening to the music. "You know, nobody cares. Nobody cares. We're just doing our thing. It's okay. What's to be embarrassed of? It's O.K. It's alright."

That's who Jordan was. His love of music. His love of life. He was always the protector of his friends. And that day, when Jordan was mouthing back to Michael Dunn, which I wish he hadn't been, but knowing everything that we were trying to teach him and train him as a protector — to stand up for people, and to stand up for people's civil and human rights — we don't doubt that's exactly what he was doing. He was standing up for the right to be Black teenagers.

Lucy McBath will be present during the San Francisco Jewish Film Festival for Q&A following screenings of "The Armor of Light," directed by Abigail Disney, at the Castro Theatre, 429 Castro Street, Tuesday, July 28 at 6:30 pm and Cinearts Palo Alto Square, 3000 El Camino Real Bldg, #6, Palo Alto, Wednesday, July 29 at 6:20.

Top Image: Lucia McBath, mother of Jordan Davis, "3 1/2 MINUTES, TEN BULLETS." All photos courtesy of Participant Media.

3 1/2 Minutes: Ten Bullet — Official Website

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