

We are tired of conversations around police accountability that go nowhere, and we have engaged in too many “listening sessions” where we discuss whether there is a problem of police violence in this country. There is a problem. The world witnessed it when Officer Chauvin murdered George Floyd, and the world is watching it now, as officers deploy enormous force on peaceful protestors like those who were standing outside of the White House last week. The time for debate about the unchecked authority of the police is over; it is now time for change.

We are writing to ask that you pass the bill to end qualified immunity introduced by Representatives Justin Amash and Ayanna Pressley. Congress passed the Ku Klux Klan Act in 1871 to give ordinary citizens recourse when powerful public officials violate constitutional rights. By passing that Act, codified in 42 U.S.C. 1983, Congress told its citizenry that no one is above the law, especially those who abuse government power. A healthy democracy requires no less; citizens must know that if those who promise to uphold the law and protect the community fail to do so, there is a remedy available. The law, [as one author has noted](#), is “a bulwark of American liberty.”

The Supreme Court has caused irreparable harm to public trust by creating and then expanding the doctrine of qualified immunity, which often exempts police officers and others from liability, even for shocking abuse. Under that doctrine, first developed in 1967 and widened ever since, plaintiffs must show that government officials violated “clearly established” law to receive damages for harm. A plaintiff wins only if a prior Court found an official liable under a nearly identical fact-pattern. This standard is virtually impossible to meet, and the protections promised under section 1983 seem largely symbolic as a result.

Qualified immunity has shielded some of the worst law enforcement officials in America. The 8th Circuit applied it to an officer who wrapped a woman in a bear hug, slammed her to the ground, and broke her collarbone as she walked away from him. The 9th Circuit [applied the doctrine](#) to two officers who allegedly stole \$225,000 while executing a search warrant. The Eleventh Circuit [applied the doctrine](#) to protect an officer who unintentionally shot a ten-year old while firing at the family dog (who, much like the child, posed no threat). The list of officers who suffered no consequences because of this doctrine could fill a law book.

It is time for Congress to eliminate qualified immunity, and it can do so by passing the Amash-Pressley bill. When police officers kill an unarmed man, when they beat a woman, or when they shoot a child, the people of this country must have a way to hold them accountable in a court of law. And officers must know that if they act in such a manner, there will be repercussions. A legal system that does not provide such a recourse is an illegitimate one. In their grief, people have taken to the streets because for too long, their government has failed to protect them. The Courts and elected officials alike have instead shielded people who caused unspeakable harm. Congress must not be complicit in these injustices, and it should take this important step to show that law enforcement abuse will not be tolerated.

Sincerely,