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End Qualified Immunity

1 message

Libertarian Party <info3@lp.org>

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Last week, Libertarian Congressman Justin Amash introduced the **Ending Qualified Immunity Act** to eliminate qualified immunity and restore Americans' ability to obtain relief when police officers violate their constitutionally secured rights.

As part of the Civil Rights Act of 1871, Congress allowed individuals to sue state and local officials, including police officers, who violate their rights. Starting in 1967 however, the Supreme Court began gutting that law by inventing the doctrine of qualified immunity. Under qualified immunity, **police are immune from liability** unless the person whose rights they violated can show that there is a previous case in the same jurisdiction, involving the exact same facts, in which a court deemed the actions to be a constitutional violation.



This rule has sharply narrowed the situations in which police can be held liable—even for truly heinous rights violations—and it creates a disincentive to bringing cases in the first place. If a victim knows there is no prior case that is identical to theirs, they may decline to even file a lawsuit because they are very unlikely to win. Even if a victim does file a case, **a judge may dismiss it on qualified immunity grounds** and decline to decide whether the plaintiff's rights were violated, meaning the constitutional precedent still isn't established and so the next victim still can't recover. This can create a permanent procedural roadblock for victims, preventing them from obtaining damages for having their rights violated.

Qualified immunity was created by the Supreme Court. **It is time for us to correct their mistake.**

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The brutal killing of George Floyd by Minneapolis police is merely the latest in a long line of incidents of egregious police misconduct. It is deeply troubling that the list of names that should all be known is too long to include here. This pattern continues because **police are legally, politically, and culturally insulated from consequences** for violating the rights of the people whom they have sworn to serve. That must change so that these incidents of brutality stop happening. Until then, we must ensure that those whose rights are violated by police aren't forced to suffer the added injustice of being denied their day in court.

You can make a difference **TODAY** and help this be the time when America hears that Libertarians value the rights of all people at all times, and that we put actions behind our words.

- **Call** your representatives and tell them to become a co-sponsor of the End Qualified Immunity bill.
- **Share** this with family and friends and on social media to encourage others to call their representatives as well.
- **Contribute** to the Libertarian Party ([officially join if you haven't yet!](#)) and support efforts for liberty across the country. It is time that America had a strong and vocal third party in Congress and in our cities and towns.

DONATE

We have been here too many times before. Right now millions of Americans are making sure that their voices are heard so that we can make real progress and never be in this place again. Please join the Libertarian Party as we work together for a world set free in our lifetime.

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