



Exclusive: Rep. Pressley and Sen. Markey Push Bill To End Qualified Immunity

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You've probably heard of qualified immunity if you've been paying attention to the wave of police brutality cases nationwide. As many criminal justice experts will tell you, it's a major barrier to holding police who abuse their authority accountable. But if Representative Ayanna Pressley (D-MA) and Senator Edward Markey (D-MA) have anything to do with it, qualified immunity protections for abusive cops could become a thing of the past.

At noon today, the two lawmakers plan to re-introduce the "Ending Qualified Immunity Act." *The Root* obtained an exclusive first look at the legislation, which would prevent qualified immunity from applying to public officials, including police officers, who "brutalize or otherwise violate civil rights." The bill would amend and strengthen the "Ku Klux Klan Act," which the two lawmakers argue is currently being interpreted incorrectly

by the Supreme Court to protect law enforcement instead of holding them accountable as the drafters intended.

“Police brutality is a crisis plaguing Black and brown communities, and a crisis that will continue to go unchecked until we end the dangerous, unjust, and court-invented doctrine of qualified immunity,” said Congresswoman Pressley. “Structural change is necessary to address this crisis and save lives, and that must include ending qualified immunity.”

Things are about to get technical, so hang in there. In the 1960s, the Supreme Court established qualified immunity protections for cops. Essentially, as long as there isn't a previous case that clearly established that their actions were unlawful, police generally won't be held accountable. As technical as that sounds, qualified immunity has real-world consequences for victims.

In March, a federal judge granted qualified immunity to Wyoming Police officers who barged into a property showing, drawing their weapons on a Black realtor and his clients. And in 2020, the Fifth Circuit Court of Appeals granted qualified immunity to a prison guard who pepper-sprayed an inmate “for no reason.”

“There will never be true justice for the victims and family members of police brutality, but qualified immunity deprives Americans of one of their most powerful tools: seeking justice in a court of law,” said Senator Markey. “Qualified immunity is a dangerous doctrine that protects law enforcement officers from lawsuits and personal liability for their abuses.”

Senator Markey and Representative Pressley are hardly the only people calling for the end of qualified immunity in its current form. Groups ranging from The NAACP Legal Defense Fund all the way to conservative think tanks like the CATO Institute have called for the abolishment of qualified immunity, arguing that it makes police accountability efforts nearly impossible, especially since data collected by Reuters shows that it's being used to protect police at an accelerating rate.

This current Congress seems unlikely to take any action that might upset law enforcement. But that clearly hasn't stopped Representative Pressley and Senator Markey from continuing to push the needle.

“For too long, qualified immunity has prevented accountability and shielded those charged with enforcing the law from any consequences for breaking it,” said Representative Pressley. “Our bill would restore necessary civil rights protections and is essential to providing the families of those abused by law enforcement with the healing they deserve.”