

Congress of the United States
Washington, DC 20515

May 21, 2021

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Charles Schumer
Majority Leader
United States Senate
S-220, U.S. Capitol
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230, U.S. Capitol
Washington, D.C. 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader Schumer, and Minority Leader McConnell:

Thank you for your continued negotiations regarding the George Floyd Justice in Policing Act. We appreciate your commitment to ensuring accountability as a key foundation for ending police violence and conducting oversight for misconduct. However, we are concerned by recent discussions that the provision ending qualified immunity for local, state, and federal law enforcement may be removed in order to strike a bipartisan deal in the Senate. Given that police violence, as a weapon of structural racism, continues to have devastating and deadly consequences for Black and brown lives across our country, we strongly urge you to not only maintain but strengthen the provision eliminating qualified immunity as negotiations in the Senate continue.

Congress has a historic opportunity to make substantial strides in affirming the rights of people in our country, particularly Black and brown people for whom encounters with law enforcement are routinely violent and deadly. In March, the House passed the bipartisan George Floyd Justice in Policing Act with the inclusion of the provision to eliminate qualified immunity for police officers, and now the Senate must do the same. The lives of our neighbors and loved ones are at stake. Congress must set an example for our country and our world that we can strongly and vigorously stand against the systemic abuse and murder of Black and brown people that has become common practice in our society. Our success in negotiating this legislation relies on a shared commitment to ensuring that Black and brown children, adults, and communities can mature in a world that unconditionally values our rights and humanity.

For Black and brown communities in America, policing has never been equated with true public safety. From slave patrols to community occupation and surveillance, American policing has long been rooted in excessive and unnecessary use of force, infringements on civil and constitutionally protected rights, and deeply pervasive racism, violence, and abuse. In the year since the police murders of Breonna Taylor and George Floyd, over 1,000 people have been killed by law enforcement in our country.¹ The reality is that despite the guilty verdict of former Minneapolis police officer Derek Chauvin, less than 2 percent of police officers have been charged with a crime for police killings that occurred nationwide between 2013-2020.² Just last year a federal appeals court dismissed a \$2 million civil case against a deputy sheriff who shot and killed a 10-year-old when aiming for the family dog. The officer was accused of using

¹ <https://mappingpoliceviolence.org/>

² <https://mappingpoliceviolence.org/>

excessive force, but the Eleventh U.S. Circuit Court of Appeals ruled it could not find a "materially similar case" and upon appeal, the United States Supreme Court declined to hear the case.³ This is but one example of qualified immunity's stronghold in shielding officers from accountability, and the Supreme Court has not remedied the problems that have been caused by the court-made doctrine it created.⁴ Police violence is not a case of a few bad apples. It's a systemic and systematic harm that has long been entrenched in American policing. As a result of qualified immunity, police killings regularly happen with virtual impunity. It's long past time for that to end.

In March, Congresswoman Ayanna Pressley reintroduced H.R. 1470, the Ending Qualified Immunity Act, which would eliminate this immunity for law enforcement and public officials and restore the ability for Americans to seek recourse for violations of their constitutionally protected rights. Consistent with the proposal outlined in Rep Pressley's bill, we believe that any legislation negotiated on policing reform should eliminate qualified immunity in its totality and restore the original intent of section 1983.

As negotiations continue, know this: there can be no true justice in America if we cannot save lives, just like there can be no true accountability in America if we do not eliminate qualified immunity. Our nation is hurting. Our communities are hurting. Black and brown people who bear the brunt of police violence are hurting. Enacting the reforms included in the George Floyd Justice in Policing Act is not only long-overdue, but a matter of responsible policymaking. It is essential to our work in preventing the onslaught of police violence that has robbed so many in our communities of their loved ones. Maintaining and strengthening the provision that would eliminate qualified immunity once and for all, would put us on a path towards true accountability and help end the systemic and systematic harm that has long been perpetuated by American policing.

We are committed to protecting the constitutional rights of people all across America, and that includes the right to live free of harm from systemic police violence. Foundational to our work to ensure that every community can thrive, is holding public officials, including law enforcement, accountable for systemic abuses on the American people. Our duty as lawmakers is to protect our communities, eliminating qualified immunity once and for all is one step toward making that possible. As such, we strongly urge the Senate to maintain and strengthen this provision as negotiations continue on the George Floyd Justice in Policing Act.

Sincerely,



CORI BUSH
Member of Congress



AYANNA PRESSLEY
Member of Congress



MONDAIRE JONES
Member of Congress



RASHIDA TLAIB
Member of Congress

³<https://news.bloomberglaw.com/us-law-week/justices-wont-take-up-law-enforcer-qualified-immunity-doctrine>

⁴https://www.washingtonpost.com/politics/courts_law/supreme-court-refuses-to-reconsider-immunity-that-shields-police-accused-of-brutality/2020/06/15/1cfc444c-ae7f-11ea-8f56-63f38c990077_story.html

JAN SCHAKOWSKY
Member of Congress

ILHAN OMAR
Member of Congress

ALEXANDRIA OCASIO-CORTEZ
Member of Congress

PRAMILA JAYAPAL
Member of Congress

JAMAAL BOWMAN, Ed.D
Member of Congress

BONNIE WATSON COLEMAN
Member of Congress

Cc:
Representative Karen Bass
Senator Cory Booker
Senator Tim Scott