
Qualified Immunity

Segment Length: 2:11 minutes; 2:32 minutes

Videos:

“Kayleigh McEnany...defends cops' qualified immunity”
<https://www.youtube.com/watch?v=PfGpHWQf5ak>

“Unlawful Shield: Abolish Qualified Immunity”
<https://www.youtube.com/watch?v=XmoPUWGc1WY>

Guide:

The questions below will help students achieve a better understanding of the arguments made on either side of a contentious topic. Because these questions often touch upon statements made briefly in the videos, we recommend reading the questions before watching each video.

Students are encouraged to take notes during the videos, and it may be helpful for students to break into groups, each taking responsibility for only a few questions, before coming together for discussion.

Analysis Questions:

1. Kayleigh McEnany says that ending qualified immunity would disallow police from doing their jobs, which would make America less safe. How would Jay Schweikert respond?
2. Jay Schweikert says that under qualified immunity, it's not enough for victims to prove that their rights were violated by the police, they must also show that the police violated “clearly established law.” Is this a reasonable standard? Why/Why not?
3. According to Kayleigh McEnany, the Supreme Court tried to find a balance between victims being able to hold the police accountable, while still minimizing the “social cost” of police officers being too restricted. Does qualified immunity achieve that balance? Why/Why not?
4. Jay Schweikert says that the practical effect of qualified immunity is that police officers “routinely get away with horrific misconduct.” How would Kayleigh McEnany and the Trump administration respond?
5. Do you think ending qualified immunity would help reduce instances of the police violating people's rights? Why/Why not?