

**From:** [Vy Pham](#)  
**To:** [JISS Exhibits](#)  
**Subject:** Follow Colorado and End Qualified Immunity in Oregon  
**Date:** Tuesday, June 23, 2020 11:13:13 AM

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Hello, my name is Vy Pham and I live in Portland, OR. I am a social worker and work with populations often targeted by police.

The recent success of ending Qualified Immunity in Colorado has inspired me to write this email to urge Oregon not only to follow suit but also enact change on a federal level to revise the current doctrine of Qualified Immunity and grant courts greater powers to hold officials liable for violations of the law. The doctrine of Qualified Immunity does not allow public officials to be held accountable for violating the legal rights of citizens. It has been used to protect police officers from actions of harm, violence, and, at times, murder.

The Qualified Immunity doctrine was first articulated by the Supreme Court in the 1967 case of *Pierson v. Ray*, 386 U.S. 547 (1967). The doctrine shielded officials from lawsuits that did not violate “clearly established” statutory or constitutional rights. Pierson, in announcing the doctrine of Qualified Immunity, said that it stemmed from common law principles that predated the founding of the United States, NOT constitutional principles. As such, the doctrine can be changed via legislative enactment.

Despite a seemingly sensible legal standard, courts across the country have consistently been unable to apply the doctrine of Qualified Immunity in a way that makes sense, or complies with the common understandings of justice, fairness, and proportional uses of force. The “clearly established” standard has failed America. In the past, it has failed the city of Portland. It is time for change.

I request that Oregon’s State Legislature and Governor Kate Brown begin the work of crafting and passing legislation that would change the legal doctrine of Qualified Immunity to create liability for officials whose actions were reasonably foreseeable violations of law with no requirement of clearly established past case precedent.

Thank you,  
Vy Pham