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This societal dynamic in the United States is perhaps most visible in the context of police brutality and the disproportionate excessive use of force on Black bodies. Qualified immunity is a judicially created doctrine, which arose in response to legislative efforts to protect Black people, that encapsulates and furthers racial stereotypes and police unaccountability. Denying that qualified immunity was born from anti-Blackness does not erase that history. It does not alleviate the resultant suffering or offer an acceptable path forward.

We must work to understand and actively dismantle racist systems and patterns of thinking, and to change our societal norms. In acknowledging that racism is unavoidably engrained not just in our jurisprudence but in our lives, we can stop reinforcing the fallacy that colorblindness is possible and notions of “reasonableness” and “objectivity” make the law “fair” or its application “just.” These concepts are disproven by modern social science. Institutions are operated and upheld by people, the laws are written, passed, and enforced by them. Therefore, if we truly value liberty, justice, and democracy, We the People must tell the truth. Our Constitution is not colorblind.

**DRAFT**