Silver Liberties and the Supreme Court

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**Baxter V. Bracey**

**How the case moved from lower to Supreme Court**

Alexander Baxter surrendered to police officials in the early months of 2014 after he was chased down in charge of burglary. This scenario took a whole new turn after a police dog was unleashed on Baxter and the canine ended up biting him. The Police officers of Nashville were sued by Baxter on grounds of using force against him while he had already surrendered. However, the case was dismissed by the Sixth Circuit Court based on Qualified Immunity and officers were not charged under any criminal act.

This case discusses this draconian immunity provided to the law force officials, even if the rights of the civilians are violated. It was stated by the court that both the officers present at the scene were protected from any such lawsuit even if Baxter’s civil privileges were dishonored. Being a citizen of the United States of America, Baxter should have been able to exercise his rights at will and be given justice after he filed a lawsuit against the officers. However, this case like the other similar cases was ruled in favor of the officers.

**Bill of Rights**

The issue of Qualified Immunity was established in 1967 as a legal federal law that directly conflicts with fourth, fifth and eight Amendments and Bill of Rights of the United States Constitution. The Fourth Amendment forbids illegal and forcible searches and confiscation of property(Lammon, 2019). The Fifth Amendment defines criminal procedures and states that the process applies to every single citizen of the United States of America whether he or she is a governmental official or not. The Eighth Amendment bans the federal government on using deadly force or cruel punishment against a convict or a criminal.

Any constitution or any amendment in the constitution does not provide such immunity to anyone, especially to the federal government clearly. Qualified Immunity can only be applied to acts that are "optional" instead of making rash decisions. An optional demonstration requires an authority to decide "whether a demonstration ought to be done or a development sought after" and to decide the best methods for accomplishing the chosen goal. On the other hand, rash decisions made by an officer make him or her liable to be held accountable for the actions taken at the required situation. These rash decisions might hinder the best decision-making capability of the officer.

**Importance of ruling**

This law of Qualified Immunity does not ensure authorities who damage "plainly settled statutory or protected privileges of which sensible individual would have known". This is a goal standard, implying that the standard does not rely on the abstract perspective of the authority. Instead it relies on whether a sensible individual would confirm that the applicable direct disregarded obviously settled law. Regardless of whether the law is "obviously settled" will rely upon whether the case law has inclined to the disputed issue or has set up the "shapes of the right" to such an extent that plainly official's direct is illicit. It is undisputed that Supreme Court suppositions can "unmistakably set up" the standard for the whole nation.

Be that as it may, the circuit court of claims and appeals sentiments may have an increasingly restricted impact. Circuit courts of requests commonly treat their sentiments as obvious inside that circuit for setting up the law (Lammon, 2019). However, the Supreme Court has given occasion to feel qualms about this hypothesis. Therefore, to meet the condition of Plainly Established Decree, the realities of the moment case should decently and intently take after the realities of the case depend on as a point of reference. In this manner, the analysts have taken the view that the appropriation of the precept of qualified insusceptibility in Federal law speaks to legal activism.

**Involvement of the Supreme Court**

The ruling made by the Sixth Court has made it possible for the American Civil Liberties Union to file an appeal in the Supreme Court against the ruling including the revision of Qualified Immunity. The courts have stated that qualified immunity allows federal agents and officials to perform their duties with more efficiency as having thought to face lawsuits will abolish their sense of pride and serving for the nation(Rossum, 2018). The mere sense of letting officers violate people's rights and go without facing any lawsuit shows how easy it is for officials to break the law without facing any consequences. The involvement of the Supreme Court, in this case, will help change the ways of draconian laws. The Constitution of the United States of American and the Bill of Rights is in direct conflict of Qualified Immunity and it should be removed from the roots of the law.

**Powers granted to Supreme Court**

The jurisdiction or power given to the Supreme Court by the constitution is written in Section II of Article III. Any matters or appeals that are made against federal laws can be heard by the Supreme Court by full authority. After the case was dismissed by the Sixth Circuit Court of Appeals, the American Civil Liberties Union filed a petition of writ of certiorari to review the dismissed case of Baxter against the police officers of Nashville. Where unreasonable use of force was imposed upon Baxter and also review the standings of qualified immunity. Federal laws are under the protection of the Supreme Court and can be challenged or appealed against in the Supreme Court if and only if a lower court has already made a decision. There have been other such cases that were filed against the state officials and the issue of qualified immunity always provided protection to the officers and officials.

**References**

Lammon, B. (2019). Blatant Contradictions in Qualiﬁed-Immunity Appeals. Available at SSRN 3428456.

Rossum, R. A. (2018). American Constitutional Law, Volume II: The Bill of Rights and Subsequent Amendments. Routledge.