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LDF Files Federal Lawsuits Over Failure of U.S. Government Agencies to Respond to Freedom of Information Act Requests

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed federal complaints against the Office of Management and Budget (OMB) and the Office of Federal Contract Compliance Programs (OFCCP) under the Freedom of Information Act (FOIA). The complaints (OMB, OFCCP), which were filed in the U.S. District Court for the District of Columbia, allege that the offices failed to respond to LDF's FOIA requests for documents related to the Trump administration's "Executive Order Combatting Race and Sex Stereotyping."

The Order sought to ban current and prospective federal contractors, subcontractors, federal grant recipients, and U.S. military, as well as federal agencies and agency employees, from engaging in certain free speech activities regarding the ongoing impact of structural and systemic race and gender bias in the United States.

Although the Biden administration has since repealed the Order, the records that LDF sought in October 2020 are critical to understanding the motivations behind the Order and the extent of its implementation and harm. The requested information is also essential to determining what additional action may be needed to remedy any remaining injuries stemming from the Order. However, both OMB and OFCCP have failed to respond to LDF's multiple efforts to obtain this public information since acknowledging receipt of the requests last year.

"The chilling effect of former President Trump's Executive Order — which sought to rewrite this nation's history by barring discussions about the legacy and impact of systemic racism and gender discrimination — demands a comprehensive evaluation," said Janai Nelson, LDF's Associate Director-Counsel. "Federal agencies are obligated to provide the information necessary for LDF and any other interested members of the public to assess the dangerous impact this order may have had. And we are prepared to force the government to comply with its public information obligations to the full extent of the law."

"LDF has requested crucial information to fully understand the impact of the Trump Administration's discriminatory executive order that violated the First Amendment rights of countless individuals and organizations," said Amber Koonce, Fried Frank Fellow at LDF. "The federal government's refusal to comply with our requests has unacceptably stymied our ability to ascertain the reach of the now-rescinded Executive Order and curtailed the public's right to learn about — and challenge if necessary — the harmful actions of the prior Administration."

In October 2020, LDF filed a federal lawsuit challenging the constitutionality of President Trump's Executive Order as a violation of the First Amendment guarantee of Free Speech and the Fifth Amendment guarantees of Due Process and the Equal Protection of the Law. The Order, which went into effect on September 22, 2020, and

affected all federal contracts or specified federal grants executed on or after November 21, 2020.

Read the full complaints [here](#) and [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).