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**LDF Files Lawsuit Challenging the President’s Law Enforcement Commission,
Arguing That It Fails to Comply with Federal Advisory Committee Act Requirements**

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed a [lawsuit](#) against Attorney General William Barr, the United States Department of Justice, the Presidential Commission on Law Enforcement and the Administration of Justice (“Commission”), and the chair and vice chair of this Commission. Our suit challenges the creation of the Commission – an initiative that was first announced in October 2019 through a presidential executive order, and implemented in January 2020 by Attorney General Barr. LDF’s complaint demonstrates that the Commission has failed to comply with nearly any requirement of the Federal Advisory Committee Act (FACA), a law that helps ensure that federal advisory committees are publicly accountable.

The order creating the Commission, and the appointments made by Attorney General Barr to the Commission, make clear that the Commission is designed to reach a preordained conclusion: to support President Trump’s and Attorney General Barr’s unfounded claims that there is lack of respect for law enforcement across the United States due to recent efforts to reform the criminal justice system. The Commission’s membership is comprised almost exclusively of law enforcement officials and its related executive order directs the Commission to study, among other matters, “refusals by State and local prosecutors to enforce laws or prosecute categories of crimes” and “the need to promote public respect for the law and law enforcement.”

“It has been abundantly clear since its inception that the Presidential Commission on Law Enforcement and the Administration of Justice was created to perpetuate the false notion that law enforcement is under attack, which Attorney General Barr and President Trump have frequently espoused as a justification for undermining measures to promote police accountability,” said Sherrilyn Ifill, LDF’s President and Director-Counsel. “The Commission’s imbalanced composition of predominately law enforcement officials, without any representation from community and civil rights activists, sends a clear message that this Commission is not designed to investigate and provide guidance on the myriad and important issues that surround policing in this country, but is instead designed to advance a pre-ordained agenda. Issues involving law enforcement reform, and law enforcement-community relations, are complex. Any committee that studies those issues and makes recommendations to the federal government must include participation from key stakeholders representing both law enforcement interests as well as community organizations and civil rights groups.”

“By adopting the Federal Advisory Committee Act (FACA), Congress established critical safeguards to ensure that federal advisory committees are fairly balanced and publicly accountable, said Natasha Merle, Senior Counsel at LDF. “The Presidential Commission on Law Enforcement and the Administration of Justice is unabashedly failing to adhere to almost all of FACA’s requirements, violating the law and thwarting this imperative public accountability mechanism. Because this Commission is not lawfully constituted, it should not be allowed to continue engaging in official business, including conducting hearings. And Attorney General Barr should not be allowed to rely on any reports or recommendations the Commission may issue.”

Specifically, LDF’s [suit](#) argues that the Commission has violated FACA in the following ways: it has failed to guarantee that the Commission’s membership is fairly balanced and without undue influence; failed to file an advisory committee charter, which is required before the Commission holds any hearings; failed to appoint oversight officers; failed to give timely public notice of Commission hearings so that the public may attend; and failed to make all Commission-related documentation available to the public.

Read the full complaint [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.

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