



For Immediate Release
Thursday, Feb. 25, 2021

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LDF Secures Another Victory in Case Challenging the Presidential Commission on Law Enforcement and the Administration of Justice

Yesterday, the United States District Court for the District of Columbia granted summary judgment on a remaining undue influence claim in an NAACP Legal Defense and Educational Fund, Inc. (LDF) case challenging the creation and composition of the Presidential Commission on Law Enforcement and the Administration of Justice (Commission). The court also ordered the defendants to disclose Commission-related documents that they have been withholding. This ruling marks the latest in a series of LDF victories in the case.

“The court’s ruling is vindication of what we have recognized all along — that former President Trump and former Attorney General Barr’s Presidential Commission on Law Enforcement and the Administration of Justice was a sham and an illegal attempt to advance a false narrative that law enforcement was being attacked as a means of undermining national momentum on police accountability work,” said Natasha Merle, Senior Counsel at LDF. “We are satisfied that the court has expanded the disclaimer of illegality on the Commission’s already-discredited report — and that it has mandated transparency from the defendants, including the Commission itself, which had sought to evade it by withholding critical documents related to its work.”

The Commission was established in October 2019 through a presidential executive order signed by former President Donald Trump, and implemented in January 2020 by former Attorney General William Barr. It was tasked with broadly examining policing in America. In April 2020, LDF filed a lawsuit arguing that the Commission had failed to comply with the Federal Advisory Committee Act (FACA) — a law that helps ensure that federal advisory committees are accountable to Congress and the public.

In October 2020, the court found that the Commission had violated multiple FACA requirements. This ruling suspended the Commission’s operations until it complied with federal law. And, in November 2020, the court ruled that the Commission must include a disclaimer on its report noting that the Commission had violated the law and did not adhere to membership or public notice requirements.

The judge amended the disclaimer in his recent ruling as a remedy for LDF’s claim that the Commission was unduly influenced by Mr. Barr or other special interests. The new disclaimer must now include language that the Commission did not contain appropriate provisions to assure its recommendations would not be inappropriately influenced. As required by the court, this new disclaimer will be added on “any future issuance, and any existing electronic version” of the report.

The judge also granted LDF’s motion to compel the defendants to disclose critical documents they had been withholding by March 26. Notably, these documents include those

prepared by the Commission's working groups, which carried out the majority of the Commission's functions and drafted the report.

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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](#).