



**For Immediate Release**  
**September 24, 2020**

**LDF Media**  
212-965-2200 / [media@naacpldf.org](mailto:media@naacpldf.org)

**LDF President and Director-Counsel Sherrilyn Ifill Highlights Ways DOJ Has Failed its Mandate in House Judiciary Testimony**

This morning, Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), testified before the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties. The hearing focused on oversight of the Civil Rights Division of the U.S. Department of Justice (DOJ).

Ms. Ifill highlighted the many ways that the DOJ has failed to live up to its mandate. The following are excerpts from **her written testimony**.

“The Department of Justice’s abdication of its role to protect and ensure compliance with civil rights laws has caused a need for organizations, such as LDF, to increase their own efforts to litigate cases, investigate violations, collect & disseminate data, and provide leadership in the enforcement of the nation’s core civil rights laws. This is not a model that can be sustained ... Congress should use its oversight powers to ensure that the Department fulfills its stated purpose ‘to uphold the civil and constitutional rights of all Americans’ and to ‘enforce federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status and national origin.’”

**With regard to civil rights:**

“The current Civil Rights Division is largely absent from leadership in civil rights enforcement. Even worse, the Division has used its resources to take positions that stand in opposition to core civil rights principles, betraying the history and vital role the Division was created to play protecting our most historically vulnerable citizens from practices, laws and policies that violate the constitutional guarantee of ‘equal protection of laws.’”

**With regard to voting rights:**

“With voter suppression intensifying each, and every year, at the local, state, and federal levels, the right to vote for African American people and other people of color, is facing its greatest threat in decades. Yet, the current Administration has not filed a single Section 2 Voting Rights Act case to challenge clearly discriminatory voting changes which would have been caught and denied preclearance under section 5.”

**With regard to policing:**

“The Civil Rights Division has similarly abdicated its responsibility for enforcing civil rights laws in the area of criminal justice. One of the key areas in which the Division has followed an explicit

policy against using its power in this area is its failure to aggressively prosecute ‘patterns and practices’ of unconstitutional policing, which the Department is empowered to do under the Law Enforcement Misconduct Act. That statute was passed by Congress in 1994 in response to the shocking video of the beating of Black motorist Rodney King by officers of the Los Angeles Police Department and the acquittal of the officers in a state prosecution ... Since its enactment, various administrations have taken a measured approach to utilizing this authority opening approximately 69 investigations and resolving findings of civil rights violations with 40 agreements between 1994 and 2017 ... Yet, the Trump Administration has abdicated its authority to investigate police departments. The current administration has only opened one narrow investigation focusing on a single unit of the Springfield Police Department in Massachusetts.”

**With regard to education:**

“The Justice Department has similarly abandoned its role of protecting and enforcing civil rights laws in Education. In 2018, the Justice Department joined the Education Department in rescinding Title VI of the Civil Rights Act of 1964 guidelines regarding the administration of school discipline in K-12 schools ... Research shows that Black K-12 students are 3.8 times more likely to receive an out of school suspension and 2.2 times more likely to be subjected to a school-based arrest. Students of color are often disciplined for subjective infractions when their white peers are not. Advocates from across the country urged the Administration to maintain this critical protection for students of color, which does not create any new requirements for schools and is intended to help them comply with existing civil rights laws.

“Additionally, the Justice Department has attacked the affirmative action efforts of higher education institutions ... In 2018, the Division’s lawyers filed a statement of interest opposing affirmative action in a case challenging affirmative action in admissions at Harvard. After a federal district court found that Harvard’s affirmative action program did not violate the constitution, the Division’s lawyers filed an amicus brief on appeal in that case in 2020. [Recently], the Division threatened to sue Yale University for its use of affirmative action in admissions. And just a week ago, the Division made threatening moves towards Princeton University, after the university undertook to proactively address the history and contemporary reality of discrimination on campus.”

Read Ms. Ifill’s written testimony [here](#).

###

*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](#).*