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MEDIA CONTACT

Miriam Krinsky

krinskym@krinsky.la

818-416-5218

Statement in Response to Ruling Regarding the President's Commission on Law Enforcement

[Fair and Just Prosecution](#) Executive Director Miriam Krinsky issued the following statement regarding the ruling today by Senior District Court Judge John D. Bates for the U.S. District Court for the District of Columbia in *NAACP Legal Defense and Education Fund v. William Barr* – a lawsuit challenging the legality of the composition and procedures followed by the President's Commission on Law Enforcement and the Administration of Justice (the "Commission"):

"This decision is a victory for all proponents of a more equitable and just criminal legal system. We applaud the Court's conclusion that the Commission's clear violation of the Federal Advisory Committee Act (FACA) rightly bans the Department of Justice from unrestricted sharing of the report until it complies with the law. The Court appropriately highlighted the egregiousness of the Commission's bias and its wholly unrepresentative membership, noting that the violations of FACA were stark. While the Court allowed the report to be published, requiring that any publication include a strong disclaimer will be a clear message to all of the lack of legitimacy reflected by a process that blatantly ignored federal law.

Now, more than ever, we need accountability, transparency and meaningful discussions about transforming policing in America. A group that includes not a single representative from the community – let alone any voices from civil rights experts, academics, researchers, nonprofit organizations aimed at fortifying law enforcement and community trust, or individuals impacted by the criminal justice system – and that is made up *wholly of past and present law enforcement officials*, is anything but a body that can and should chart a path for the future of policing. And as the 76 current and former elected prosecutors and law enforcement leaders who joined an [amicus brief](#) in this case all agreed, this "flawed process ... is the last thing a nation in crisis needs."

Background: The Court previously found that the Commission violated FACA and ordered the Attorney General to comply with FACA before publishing any portion of the report. In today's Order, the Court reiterated its view that the Commission failed to abide by federal law, and stressed the woefully unrepresentative composition of the group. In further underscoring the Commission's lack of legitimacy, the Court noted that it was "hard pressed to think of a starker example of non-compliance with FACA's fair balance requirement than a commission charged with examining broad issues of policing in today's America that is composed entirely of past and present law enforcement officials."

While the Court concluded that it could not prohibit Attorney General Barr from *all* use and publication of the report, it ordered that absent bringing the Commission into compliance with federal law, any dissemination of the report must include a “clear statement that the Commission violated FACA” and append the Court’s order underscoring the lack of legitimacy of the process used by the group.

Read FJP’s earlier testimony to the Commission, recounting its grave concerns with this closed process and the group’s skewed composition, [here](#).

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